

**Judgment of the Court of First Instance of 1 July 2009 —  
Operator ARP v Commission**

(Case T-291/06) <sup>(1)</sup>

*(State aid — Scheme for restructuring aid granted by the Republic of Poland to a steel producer — Decision declaring the aid to be in part incompatible with the common market and ordering its recovery — Protocol No 8 on the restructuring of the Polish steel industry — Action for annulment — Interest in bringing proceedings — Admissibility — Concept of beneficiary — Article 14(1) of Regulation (EC) No 659/1999)*

(2009/C 193/25)

Language of the case: Polish

**Parties**

*Applicant:* Operator ARP sp. z o.o. (Warsaw Poland) (represented: initially, by J. Szymanowska, subsequently, by J. Szymanska and P. Rosiak, and, finally, by P. Rosiak, lawyers)

*Defendant:* Commission of the European Communities (represented by: C. Giolito and A. Stobiecka-Kuik, Agents)

**Re:**

Partial annulment of Commission Decision 2006/937/EC of 5 July 2005 on State aid C 20/04 (ex NN 25/04) in favour of Huta Częstochowa S.A. (OJ 2006 L 366, p. 1) to the extent to which it declares some of that aid to be incompatible with the common market and orders the Republic of Poland to effect its recovery.

**Operative part of the judgment**

*The Court:*

1. Annuls the first subparagraph of Article 3(2) of Commission Decision 2006/937/EC of 5 July 2005 on State aid C 20/04 (ex NN 25/04) in favour of Huta Częstochowa S.A. in so far as it concerns Operator ARP sp. z o.o.;
2. Orders the Commission to pay the costs.

<sup>(1)</sup> OJ C 310, 16.12.2006.

**Judgment of the Court of First Instance of 1 July 2009 —  
ThyssenKrupp Stainless v Commission**

(Case T-24/07) <sup>(1)</sup>

*(Competition — Agreements, decisions and concerted practices — Stainless steel flat products — Decision finding an infringement of Article 65 CS after expiry of the ECSC Treaty, pursuant to Regulation (EC) No 1/2003 — Alloy surcharge — Powers of the Commission — Imputability of the unlawful conduct — Res judicata — Rights of the defence — Access to the file — Limitation period — Principle of non bis in idem — Cooperation during the administrative procedure)*

(2009/C 193/26)

Language of the case: German

**Parties**

*Applicant:* ThyssenKrupp Stainless AG (Duisburg, Germany) (represented by: M. Klusmann and S. Thomas, lawyers)

*Defendant:* Commission of the European Communities (represented by: F. Castillo de la Torre, R. Sauer and O. Weber, Agents)

**Re:**

Application for annulment, in whole or in part, of the Commission's decision of 20 December 2006 relating to a proceeding under Article 65 [CS] (Case No COMP/F/39.234 — Alloy surcharge — readoption) and, in the alternative, an application for reduction of the fine imposed on ThyssenKrupp Stainless by that decision.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders ThyssenKrupp Stainless AG to pay the costs.

<sup>(1)</sup> OJ C 82, 14.4.2007.