

GENERAL COURT

**Judgment of the General Court of 7 December 2010 —
Frucona Košice v Commission**(Case T-11/07) ⁽¹⁾*(State aid — Partial remission of a tax debt in the context of an arrangement — Decision declaring the aid to be incompatible with the common market and ordering its recovery — Test of a private creditor in a market economy)*

(2011/C 30/57)

Language of the case: English

Parties*Applicant:* Frucona Košice a.s. (Košice, Slovakia) (represented by: B. Hartnett, Barrister, and O.H. Geiss and A. Barger, lawyers)*Defendant:* European Commission (represented by: B. Martenczuk and K. Walkerová, Agents)*Intervener in support of the defendant:* St. Nicolaus-trade a.s. (Bratislava, Slovakia) (represented by N. Smaho, lawyer)**Re:**

ACTION for annulment of Commission Decision 2007/254/EC of 7 June 2006 on State aid C 25/05 (ex NN 21/05) implemented by the Slovak Republic for Frucona Košice a.s. (OJ 2007 L 112, p. 14).

Operative part of the judgment*The Court:*

1. Dismisses the action.
2. Orders Frucona Košice a.s. to pay the costs.

⁽¹⁾ OJ C 56, 10.3.2007.**Judgment of the General Court of 7 December 2010 —
Fahas v Council**(Case T-49/07) ⁽¹⁾*(Common foreign and security policy — Restrictive measures with a view to combating terrorism — Freezing of funds — Action for annulment — Right to a fair hearing — Right to effective judicial protection — Statement of reasons — Action for damages)*

(2011/C 30/58)

Language of the case: German

Parties*Applicant:* Sofiane Fahas (Mielkendorf, Germany) (represented by: F. Zillmer, lawyer)*Defendant:* Council of the European Union (represented initially by: M. Bishop, E. Finnegan and S. Marquardt, and subsequently by M. Bishop, J.-P. Hix and E. Finnegan, Agents)*Intervener in support of the defendant:* Italian Republic (represented by: I. Bruni, acting as Agent, and G. Albenzio, avvocato dello Stato)**Re:**

Application for annulment in part, most recently, of Council Decision 2008/583/EC of 15 July 2008 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decision 2007/868/EC (OJ 2008 L 188, p. 21), in so far it concerns the applicant, and an order that the Council no longer refer to the applicant's name in its future decisions, in the absence of any final judicial decision, and also a claim for damages.

Operative part of the judgment*The Court:*

1. Dismisses the action.
2. Orders Mr Sofiane Fahas, in addition to bearing his own costs, to pay those incurred by the Council of the European Union.
3. Orders the Italian Republic to bear its own costs.

⁽¹⁾ OJ C 95, 28.4.2007.