

**Judgment of the Court (Third Chamber) of 9 June 2011 — Comitato ‘Venezia vuole vivere’ (C-71/09 P), Hotel Cipriani Srl (C-73/09 P), Società Italiana per il gas SpA (Italgas) (C-76/09 P) v Coopservice — Servizi di fiducia Soc. coop. rl, European Commission, Italian Republic**

(Joined Cases C-71/09 P, C-73/09 P and C-76/09 P) <sup>(1)</sup>

*(Appeals — Actions for annulment — Admissibility — Locus standi — Interest in bringing an action — Objection of lis alibi pendens — State aid — Multisectoral aid scheme — Reductions in social security contributions — Decision 2000/394/EC — Compensatory nature — Whether intra-Community trade affected — Impact on competition — Extent of control — Burden of proof — Duty to state reasons — Article 87(2)(b) and (3)(b) to (d) EC — Regulation (EC) No 659/1999 — Articles 14 and 15)*

(2011/C 226/03)

Language of the case: Italian

#### Parties

*Appellants:* Comitato «Venezia vuole vivere» (represented by: A. Vianello, avvocato) (C-71/09 P), Hotel Cipriani Srl (represented by: A. Bianchini and F. Busetto, avvocati) (C-73/09 P), Società Italiana per il gas SpA (Italgas) (represented by: M. Merola, M. Pappalardo and T. Ubaldi, avvocati) (C-76/09 P)

*Other parties to the proceedings:* Coopservice — Servizi di fiducia Soc. coop. rl (represented by: A. Bianchini, avvocato), European Commission (represented by: V. Di Bucci and E. Righini, Agents, assisted by A. Dal Ferro, avvocato), Italian Republic (represented by: I. Bruni, and subsequently by G. Palmieri, Agents, assisted by P. Gentili, avvocato dello Stato)

#### Re:

Appeal brought against the judgment in Joined Cases T-254/00, T-270/00 and T-277/00 *Hotel Cipriani SpA and Others v Commission* by which the Court of First Instance (Sixth Chamber, Extended Composition) dismissed the actions for annulment of Commission Decision 2000/394/EC of 25 November 1999 on aid to firms in Venice and Chioggia by way of relief from social security contributions under Laws Nos 30/1997 and 206/1995 (OJ 2000 L 150, p. 50)

#### Operative part of the judgment

The Court:

1. Dismisses the appeals of the Comitato ‘Venezia vuole vivere’, Hotel Cipriani Srl and Società Italiana per il gas SpA (Italgas) and the cross-appeal of Coopservice — Servizi di fiducia Soc. coop. rl;
2. Dismisses the cross-appeal of the European Commission;
3. Orders the Comitato ‘Venezia vuole vivere’, Hotel Cipriani Srl, Società Italiana per il gas SpA (Italgas) and Coopservice — Servizi di fiducia Soc. coop. rl to pay in equal shares the costs relating to the main appeals and to the cross-appeal of the latter;

4. Orders the European Commission to pay the costs in relation to its cross-appeal;

5. Orders the Italian Republic to bear its own costs.

<sup>(1)</sup> OJ C 113, 16.5.2009.

**Judgment of the Court (Fourth Chamber) of 9 June 2011 — European Commission v French Republic**

(Case C-383/09) <sup>(1)</sup>

*(Failure of a Member State to fulfil obligations — Habitats Directive — Inadequacy of measures taken to protect the species *Cricetus cricetus* (European hamster) — Deterioration of habitats)*

(2011/C 226/04)

Language of the case: French

#### Parties

*Applicant:* European Commission (represented by: O. Beynet and D. Recchia, Agents)

*Defendant:* French Republic (represented by: G. de Bergues and S. Menez, Agents)

#### Re:

Failure of a Member State to fulfil its obligations — Failure to take the measures necessary to comply with Article 12(1)(d) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ 1992 L 206, p. 7) — Inadequacy of measures taken to protect the species *Cricetus cricetus* (European Hamster) — Deterioration of habitats

#### Operative part of the judgment

The Court:

1. Declares that, by failing to establish a programme of measures to ensure strict protection of the European hamster (*Cricetus cricetus*), the French Republic has failed to fulfil its obligations under Article 12(1)(d) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, as amended by Council Directive 2006/105/EC of 20 November 2006;
2. Orders the French Republic to pay the costs.

<sup>(1)</sup> OJ C 312, 19.12.2009.