

- (b) orders that '[t]he Italian Republic shall recover the incompatible aid granted under the scheme referred to in Article 1 from the recipients' (Article 2(1) of the Decision);
- (c) orders that '[t]he The Italian Republic shall cancel all outstanding payments of aid under the scheme referred to in Article 1 with effect from the date of adoption of this Decision' (Article 2(4) of the Decision).
- Order the Commission to pay the costs of the present proceedings.

Pleas in law and main arguments

The contested decision in the present case is the same as that at issue in Case T-394/08 *Regione Sardegna v Commission*, Case T-408/08 *S.F. Turistico Immobiliare v Council and Commission* and Case T-436/08 *Studio Vacanze v Commission*.

The pleas in law and main arguments are similar to those put forward in those cases.

Action brought on 10 October 2008 — Intel v Commission

(Case T-457/08)

(2008/C 301/99)

Language of the case: English

Parties

Applicant: Intel Corp. (Wilmington, United States) (represented by: N. Green QC, K. Bacon, Barrister)

Defendant: Commission of the European Communities

Form of order sought

- Annul the decisions;
- Extend the deadline for submission of Intel's reply to the supplementary statement of objections ('SSO') to a period of 30 days from the date on which Intel is given access to the relevant documents of the complainant;
- Order the Commission to pay Intel's costs.

Pleas in law and main arguments

By means of this application the applicant seeks annulment, pursuant to Article 230 EC, of the Hearing Officer's decision of 15 September 2008 taken under Article 10 of Commission

Decision 2001/462/EC ⁽¹⁾ in Case COMP/C-3/37.990 — Intel relating to a proceeding under Article 82 EC, together with a decision by the Commissioner on or about 6 October 2008. The contested decisions concern the refusal on the part of the Commission to procure, particularly from the complainant in the case, certain documentary evidence that the applicant claims to be directly relevant to the allegations made by the Commission in the SSO. The Hearing Officer has also rejected Intel's submission that it cannot respond properly to the SSO without being provided with those documents, and has refused to further extend the deadline for Intel to file its reply to the SSO.

The applicant puts forward two pleas in law in support of its claims.

First, the applicant submits that the decisions contain errors in law and it claims that the time-limit for its reply to the SSO cannot start to run unless the file is materially complete; otherwise the undertaking wouldn't be able to exercise effectively its rights of defence.

Secondly, the applicant argues that the contested decisions are manifestly illegal because they permit the Commission to continue with an investigation which is discriminatory and partial, and which prevents the applicant from exercising its rights of defence. The applicant claims that this constitutes the violation of the principle of sound administration which requires the Commission to adopt its decision on the basis of all available factual and legal information which might have a bearing on the result.

⁽¹⁾ Commission Decision of 23 May 2001 on the terms of reference of hearing officers in certain competition proceedings, OJ L 162, p. 21.

Order of the Court of First Instance of 11 September 2008 — Italian Republic v Commission

(Case T-207/04) ⁽¹⁾

(2008/C 301/100)

Language of the case: Italian

The President of the Second Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 201, 7.8.2004.