

Judgment of the Court of First Instance (Fifth Chamber, Extended Composition) of 25 October 2007 — Ferriere Nord v Commission

(Case T-94/03)

Agreements, decisions and concerted practices — Producers of reinforcing bars — Decision establishing an infringement of Article 65 CS — Decision based on the ECSC Treaty after expiry of that treaty — Lack of competence of the Commission

1. *ECSC — Agreements, decisions and concerted practices — Commission decision establishing an infringement of Article 65 CS after the expiry of that treaty (Art. 65(1), (4) and (5) CS; Council Regulation No 17, Arts 3 and 15(2)) (see paras 58, 60, 75, 76, 79)*
2. *ECSC — Agreements, decisions and concerted practices — Commission's competence under Article 65(4) and (5) CS to establish and penalise an infringement of Article 65(1) CS — Disappearance on expiry of the ECSC Treaty (Arts 65(1), (4) and (5) CS and 97 CS; Art. 305(1) EC; Merger Treaty) (see paras 91-94, 96, 98)*

Re:

APPLICATION for annulment of Commission Decision C(2002) 5087 final of 17 December 2002, relating to a proceeding under Article 65 CS (Case COMP/37.956 — Reinforcing bars).

Operative part

The Court:

1. Annuls Commission Decision C(2002) 5087 final of 17 December 2002 relating to a proceeding under Article 65 CS (Case COMP/37.956 — Reinforcing bars) with regard to Ferriere Nord SpA;

2. Orders the Commission to bear its own costs and to pay those incurred by Ferriere Nord;

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

**Order of the Court of First Instance (Third Chamber) of 25 October 2007 —
Estaser El Mareny v Commission**

(Case T-274/06)

Actions for annulment — Time-limit for instituting proceedings — Starting point —
Summary publication in the Official Journal — Internet site — Non-existent
measure — Inadmissibility

*Actions for annulment — Time-limits — Starting point (Art. 230, fifth para., EC) (see
paras 31, 36)*

Re:

ACTION for annulment of Commission Decision 2006/446/EC of 12 April 2006 relating to a proceeding pursuant to Article 81 EC (Case COMP/B-1/38.348 — Repsol CPP) (summary published in OJ 2006 L 176, p. 104), making binding the commitments offered by Repsol CPP, adopted in accordance with Article 9 of Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 EC and 82 EC (OJ 2003 L 1, p. 1).