

4. orders the Federal Republic of Germany to bear its own costs.

(¹) OJ C 251, 18.10.2003.

**Judgment of the Court of First Instance of 19 June 2009 —
Qualcomm v Commission**

(Case T-48/04) (¹)

(Competition — Concentrations — Market for traffic telecommunications systems — Decision declaring a concentration compatible with the common market — Commitments — Manifest error of assessment — Misuse of powers — Obligation to state the reasons on which the decision is based)

(2009/C 180/74)

Language of the case: English

Parties

Applicant: Qualcomm Wireless Business Solutions Europe BV (Waarle, Netherlands) (represented by: G. Berrisch, lawyer, and D. Hull, Solicitor)

Defendant: Commission of the European Communities (represented initially by: K. Mojzesowicz and A. Whelan, and subsequently by K. Mojzesowicz and X. Lewis, acting as Agents)

Interveners in support of the defendant: Federal Republic of Germany (represented initially by: C.-D. Quassowski and S. Flockermann, acting as Agents, and subsequently by M. Lumma, acting as Agent, and by U. Karpenstein and A. Rosenfeld, lawyer); Deutsche Telekom AG (Bonn, Germany); Daimler AG, formerly DaimlerChrysler AG (Stuttgart, Germany); Daimler Financial Services AG, formerly DaimlerChrysler Services AG (Berlin, Germany) (represented by J. Schütze and A. von Graevenitz, lawyers)

Re:

Annulment of Commission Decision 2003/792/EC of 30 April 2003 declaring a concentration to be compatible with the common market and the EEA Agreement (Case COMP/M.2903 — DaimlerChrysler/Deutsche Telekom/JV) (OJ 2003 L 300, p. 62)

Operative part of the judgment

The Court:

1. Dismisses the action;

2. Orders Qualcomm Wireless Business Solutions Europe BV to bear its own costs and to pay those incurred by the Commission;

3. Orders the Federal Republic of Germany to bear its own costs;

4. Orders Deutsche Telekom AG, Daimler AG and Daimler Financial Services AG to bear their own costs.

(¹) OJ C 94, 17.4.2004.

**Judgment of the Court of First Instance of 11 June 2009 —
Italy v Commission**

(Case T-222/04) (¹)

(State aid — Scheme of aid granted by the Italian authorities to certain public utilities in the form of tax exemptions and loans at preferential rates — Decision declaring the aid incompatible with the common market — Existing aid or new aid — Article 86(2) EC)

(2009/C 180/75)

Language of the case: Italian

Parties

Applicant: Italian Republic (represented: initially, by I. Braguglia and, subsequently, by R. Adam and I. Bruni, Agents, and M. Fiorilli, avvocato dello Stato)

Defendant: Commission of the European Communities (represented by: V. Di Bucci, Agent)

Re:

Application for annulment of Article 2 of Commission Decision 2003/193/EC of 5 June 2002 on State aid granted by Italy in the form of tax exemptions and subsidised loans to public utilities with a majority public capital holding (OJ 2003 L 77, p. 21).

Operative part of the judgment

The Court:

1. Dismisses the action;

2. Orders the Italian Republic to pay its own costs as well as those incurred by the Commission.

(¹) OJ C 233, 28.9.2002 (formerly Case C-290/02).