

*Applicant in Case T-317/04:* Kingdom of Denmark (represented by: J. Molde, Agent, assisted by P. Biering and K. Lundgaard Hansen, Lawyers)

*Applicant in Case T-329/04:* Viasat Broadcasting UK Ltd (West Drayton, Middlesex, United Kingdom) (S. Hjelmberg and M. Honoré, Lawyers)

*Interveners in support of the applicant in Case T-329/04:* SBS TV A/S, formerly TV Danmark A/S (Skovlunde, Denmark); and SBS Danish Television Ltd, formerly Kanal 5 Denmark Ltd (Hounslow, Middlesex, United Kingdom) (represented by: D. Vandermeersch, K.-U. Karl and H. Peytz, Lawyers)

*Applicants in Case T-336/04:* SBS TV A/S and SBS Danish Television Ltd

*Intervener in support of the applicant in Case T-336/04:* Viasat Broadcasting UK Ltd

*Defendant in Cases T-309/04, T-317/04, T-329/04 and T-336/04:* Commission of the European Communities (represented by: in Cases T-309/04, T-317/04 and T-329/04 by H. Støvlbæk and M. Niejahr, in Case T-329/04, also by N. Kahn and in Case T-336/04 by N. Kahn and M. Niejahr, Agents)

*Interveners in support of the defendant in Case T-309/04:* SBS TV A/S; SBS Danish Television Ltd and Viasat Broadcasting UK Ltd

*Interveners in support of the defendant in Case T-329/04 and T-336/04:* Kingdom of Denmark; TV 2/Danmark A/S and European Broadcasting Union (EBU)

## Re:

APPLICATION, in Cases T-309/04 and T-317/04, for annulment of Commission Decision 2006/217/EC of 19 May 2004 on measures implemented by Denmark for TV 2/Danmark (OJ 2006 L 85, p. 1; corrigendum in OJ 2006 L 368, p. 112) and, in the alternative, of Article 2 of that decision or of paragraphs 3 and 4 of that Article, and, in Cases T-329/04 and T-336/04, for annulment of that decision in so far as it establishes the existence of State aid which is partly compatible with the common market.

## Operative part of the judgment

*The Court:*

1. Joins Cases T-309/04, T-317/04, T-329/04 and T-336/04 for the purposes of the judgment;
2. Annuls Commission Decision 2006/217/EC of 19 May 2004 on measures implemented by Denmark for TV 2/Danmark;
3. Orders TV 2/Danmark A/S, the Kingdom of Denmark and the Commission each to bear their own costs in Cases T-309/04 R and T-317/04 R;

4. Orders the Commission to bear its own costs in Cases T-309/04 and T-317/04, together with the costs incurred by TV 2/Danmark A/S and the Kingdom of Denmark in those cases;
5. Orders the European Broadcasting Union (EBU), SBS TV A/S, SBS Danish Television Ltd and Viasat Broadcasting UK Ltd each to bear their own costs in Case T-309/04;
6. Orders SBS TV, SBS Danish Television and Viasat Broadcasting UK each to bear their own costs, incurred both in their capacity as applicants and in their capacity as interveners, in Cases T-329/04 and T-336/04;
7. Orders Viasat Broadcasting UK to pay one-tenth of the costs incurred by the Commission, by TV 2/Danmark A/S, by the Kingdom of Denmark and by the EBU in Case T-329/04;
8. Orders SBS TV and SBS Danish Television to pay one-tenth of the costs incurred by the Commission, by TV 2/Danmark A/S, by the Kingdom of Denmark and by the EBU in Case T-336/04;
9. Orders the Commission, TV 2/Danmark A/S, the Kingdom of Denmark and the EBU each to bear nine-tenths of their own costs in Cases T-329/04 and T-336/04.

(<sup>1</sup>) OJ C 262, 23.10.2004.

## Judgment of the Court of First Instance of 9 October 2008 — Di Bucci v Commission

(Case T-312/04) (<sup>1</sup>)

(Action for annulment — Action for damages — Staff case — Promotion — Award of priority points)

(2008/C 313/43)

Language of the case: French

## Parties

*Applicant:* Vittorio Di Bucci (Brussels, Belgium) (represented by: M. van der Woude and V. Landes and, subsequently, by M. van der Woude, lawyers)

*Defendant:* Commission of the European Communities (represented by: H. Tserepa-Lacombe and V. Joris, Agents, and, subsequently, by V. Joris and G. Berscheid, Agents, and D. Wealbroeck, lawyer)

**Re:**

2. *Dismisses the action as to the remainder;*

An action for annulment of:

3. *Orders the Commission to pay the costs.*

— the decision of the Director General of the Legal Service of the Commission to award the applicant only one Directorate-General priority point for the 2003 promotion procedure, communicated on 2 July 2003, confirmed by a decision of the appointing authority notified on 16 December 2003;

(<sup>(1)</sup>) OJ C 262, 23.10.2004.

— the decision of the appointing authority not to award the applicant any special priority points for additional activity in the interests of the institution for the 2003 promotion procedure, notified through the Sysper 2 system on 16 December 2003;

**Judgment of the Court of First Instance of 9 October 2008  
— Wilms v Commission**

(Case T-328/04) (<sup>(1)</sup>)

— the following decisions: the decision of the appointing authority to award the applicant a total of 20 points for the 2003 promotion procedure; the merit list of officials in grade A 5 for the 2003 promotion procedure published in Administrative Notices No 69-2003 of 13 November 2003; the list of officials promoted to grade A 4 for the 2003 promotion procedure and published in Administrative Notices No 73-2003 of 27 November 2003 and, in any event, the decision not to include the applicant's name on those lists.

*(Action for annulment — Action for damages — Staff case  
— Promotion — Award of priority points)*

(2008/C 313/44)

*Language of the case: French*

— in so far as it is necessary, the decision of the appointing authority of 15 June 2004 rejecting the complaint brought on 12 February 2004 by the applicant;

**Parties**

— the decision of 11 April 2007, notified on 16 April 2003, by which the appointing authority decided to award the applicant one additional priority point for the 2003 promotion procedure, yielding a total of 2 priority points, and a total number of 21 points;

*Applicant:* Günter Wilms (Brussels, Belgium) (represented by: M. van der Woude and V. Landes and, subsequently, by M. van der Woude, lawyers)

and for a declaration of the nullity of all decisions taken in the course of the 2003 promotion procedure contested in the present action and not replaced in 2007 and, in particular, the merit list of officials in grade A 5 for the 2003 promotion procedure, published in Administrative Notices No 69-2003 of 13 November 2003 and the list of officials promoted to grade A 4 for the 2003 promotion procedure, published in Administrative Notices No 73-2003 of 27 November 2003, and compensation of EUR 5 000.

*Defendant:* Commission of the European Communities (represented by: H. Tserepa-Lacombe and V. Joris, Agents, and, subsequently, by V. Joris and G. Berscheid, Agents, and D. Wealbroeck, lawyer)

**Re:**

An action for annulment of:

**Operative part of the judgment**

*The Court:*

1. *Annuls the decisions of the Commission fixing the total promotion points for the applicant at 21 points and refusing to include his name on the list of officials promoted to grade A 4 for the 2003 promotion procedure;*

— the decision of the Director General of the Legal Service of the Commission to award the applicant only one Directorate-General priority point for the 2003 promotion procedure, communicated on 2 July 2003, confirmed by a decision of the appointing authority notified on 19 December 2003;

— the decision of the appointing authority not to award the applicant any special priority points for additional activity in the interests of the institution for the 2003 promotion procedure, notified through the Sysper 2 system on 19 December 2003;