

**Judgment of the Court of First Instance (First Chamber) of 3 July 2007 —  
Au Lys de France v Commission**

**(Case T-458/04)**

Competition — Dominant position — Market in the supply of sites for the operation of retail businesses at Roissy-Charles-de-Gaulle airport held by the operator Aéroports de Paris — Rejection of a complaint — Action for annulment — No Community interest

1. *Procedure — Intervention — Objection of inadmissibility not raised by the defendant — Inadmissibility (Statute of the Court of Justice, Arts 40, fourth para., and 53, first para.; Rules of Procedure of the Court of First Instance, Arts 113 and 116(3)) (see paras 31-33)*
2. *Procedure — Application initiating proceedings — Legal person (Rules of Procedure of the Court of First Instance, Art. 44(5)) (see para. 34)*
3. *Competition — Administrative procedure — Examination of complaints — Obligation on the Commission to rule by way of a decision on the existence of an infringement — None (Arts 81 EC and 82 EC) (see para. 70)*
4. *Competition — Administrative procedure — Examination of complaints — Taking into account the Community interest in investigating a case (Arts 81 EC and 82 EC) (see paras 72, 103)*
5. *Competition — Administrative procedure — Examination of complaints — Decision to take no further action motivated by the possibility of the claimant bringing the matter before the national courts — Lawfulness (Arts 81 EC and 82 EC) (see paras 83, 90)*

6. *Acts of the institutions — Statement of reasons — Obligation — Scope (Art. 253 EC) (see paras 96, 97)*

**Re:**

ACTION for annulment of the Commission's decision of 17 September 2004 to take no further action on the complaint brought by the applicant against the public undertaking Aéroports de Paris for breach of Article 82 EC (Case COMP/D3/38.666 Au Lys de France/Aéroports de Paris).

**Operative part**

The Court:

1. Dismisses the action;
2. Orders Au Lys de France SA to pay the costs.

**Order of the Court of First Instance (Fourth Chamber) of 9 July 2007 —  
wheyco v Commission**

**(Case T-6/06)**

State aid — Incentive element — Action for annulment — Act producing legal effects — Legal interest in bringing proceedings — Inadmissibility

*Actions for annulment — Interest in bringing proceedings — Action by State aid beneficiary against the Commission decision declaring it compatible with the common market (Art. 230 EC) (see paras 89-105)*