

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 7 December 2004 (Case R 328/2004-1), relating to opposition proceedings between K & L Ruppert Stiftung & Co. Handels-KG and Natália Cristina Lopes de Almeida Cunha, Cláudia Couto Simões and Marly Lima Jatobá

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the applicant, K & L Ruppert Stiftung & Co. Handels-KG, to pay the costs.

⁽¹⁾ OJ C 155, 25.6.2005.

Judgment of the Court of First Instance of 12 December 2007 — BASF and UCB v Commission

(Joined Cases T-101/05 and T-111/05) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices in the vitamin products sector — Choline chloride (vitamin B4) — Decision finding an infringement of Article 81 EC and Article 53 of the Agreement on the European Economic Area — Fines — Deterrence — Repeat infringement — Cooperation during the administrative procedure — Single and continuous infringement)

(2008/C 22/75)

Languages of the case: English and French

Parties

Applicants: BASF AG (Ludwigshafen, Germany) (represented by: N. Levy, Barrister, J. Temple Lang, Solicitor, and C. Feddersen, Lawyer) and UCB SA (Brussels, Belgium) (represented by J. Bourgeois, J.-F. Bellis and M. Favart, Lawyers)

Defendant: Commission of the European Communities (represented by: in Case T-101/05 A. Whelan and F. Amato and in Case T-111/05 initially O. Beynet and F. Amato, and subsequently X. Lewis and F. Amato, Agents)

Re:

Application for annulment or reduction of the fines imposed on the applicants by the Commission Decision of 9 December 2004 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/E-2/37.533 — Choline chloride) (summary published in OJ 2005 L 190, p. 22).

Operative part of the judgment

The Court:

1. Disjoins Case T-112/05 Akzo Nobel and Others v Commission from Cases T-101/05 and T-111/05 for the purposes of the judgment;
2. Annuls Article 1(b) and (f) of Commission Decision 2005/566/EC of 9 December 2004 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/E-2/37.533 — Choline Chloride) in so far as it makes a finding of infringement against BASF AG and UCB SA during the period before 29 November 1994 in BASF's case and before 14 March 1994 in UCB's case;
3. In Case T-101/05, sets the fine imposed on BASF at EUR 35,024 million;
4. In Case T-111/05, sets the fine imposed on UCB at EUR 1,870 million;
5. Dismisses the remainder of the applications;
6. In Case T-101/05, orders the parties to bear their own costs;
7. In Case T-111/05, orders the Commission, in addition to bearing its own costs, to pay 90 % of the costs incurred by UCB.

⁽¹⁾ OJ C 115, 14.5.2005.

Judgment of the Court of First Instance of 12 December 2007 — Akzo Nobel and Others v Commission

(Case T-112/05) ⁽¹⁾

(Competition — Cartels in the vitamin products sector — Choline chloride (Vitamin B4) — Decision finding an infringement of Article 81 EC and Article 53 of the Agreement on the European Economic Area — Attributability of the infringement)

(2008/C 22/76)

Language of the case: English

Parties

Applicants: Akzo Nobel (Arnhem, Netherlands), Akzo Nobel Nederland BV (Arnhem), Akzo Nobel Chemicals International BV (Amersfoort, Netherlands), Akzo Nobel Chemicals BV (Amersfoort), Akzo Nobel Functional Chemicals BV (Amersfoort) (represented by: initially C. Swaak and J. de Gou, and subsequently C. Swaak, M. van der Woude and M. Mollica, Lawyers)

Defendant: Commission of the European Communities (represented by: A. Whelan and F. Amato, Agents)

Re:

Application for annulment of Commission Decision 2005/566/EC of 9 December 2004 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/E 2/37.533 — Choline chloride) (summary published in OJ 2005 L 190, p. 22).

Operative part of the judgment

The Court:

1. Dismisses the application;
2. Orders Akzo Nobel NV, Akzo Nobel Nederland BV, Akzo Nobel Chemicals International BV, Akzo Nobel Chemicals BV and Akzo Nobel Functional Chemicals BV to pay the costs.

(⁽¹⁾) OJ C 143, 11.6.2005.

Judgment of the Court of First Instance of 13 December 2007 — Angelidis v Parliament

(Case T-113/05) (⁽¹⁾)

(Staff cases — Officials — Filling an A2 post — Rejection of candidature — Breach of essential procedural requirements — Action for annulment — Action for damages)

(2008/C 22/77)

Language of the case: French

Parties

Applicant: Angel Angelidis (Luxembourg, Luxembourg) (represented by: É. Boigelot, lawyer)

Defendant: European Parliament (represented by: A. Bencomo Weber, J. F. de Wachter and A. Lukošiušė, agents)

Re:

First, application for annulment of the decision of the European Parliament to reject the candidature of the applicant for the post of Director of the 'Budgetary Affairs' Directorate of the Directorate-General for Committees responsible for the internal policies of the Parliament and to appoint another candidate to the post and, second, an application for damages to compensate for the damage allegedly suffered by the applicant as a result of the rejection of his candidature.

Operative part of the judgment

The Court:

1. Annuls the decision of the Bureau of the European Parliament of 25 February 2004 appointing Mr Alfredo De Feo to the position

of Director of Budgetary Affairs of the Directorate-General for Committees responsible for the internal policies of the European Parliament.

2. Dismisses the remainder of the action;
3. Orders the Parliament to pay the costs.

(⁽¹⁾) OJ C 115, 14.5.2005.

Judgment of the Court of First Instance of 12 December 2007 — Italy v Commission

(Case T-308/05) (⁽¹⁾)

(Structural funds — Co-financing — Regulations (EC) No 1260/1999 and (EC) No 448/2004 — Conditions concerning the eligibility of payments on account made by national bodies within the framework of State aid schemes — Proof of use of the funds by the final beneficiary — Actions for annulment — Challengeable act)

(2008/C 22/78)

Language of the case: Italian

Parties

Applicant: Italian Republic (represented by: initially by A. Cingolo, and subsequently by P. Gentili, avvocati dello Stato)

Defendant: Commission of the European Communities (represented by: L. Flynn and M. Velardo, Agents, assisted by G. Faedo, avocat)

Re:

Annulment of the Commission decisions allegedly contained in Commission letters No 5272 of 7 June 2005, No 5453 of 8 June 2005, Nos 5726 and 5728 of 17 June 2005 and No 5952 of 23 June 2005.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the Italian Republic to pay the costs.

(⁽¹⁾) OJ C 257, 15.10.2005.