

Operative part of the judgment

The Court:

1. Annuls the decision of the European Maritime Safety Agency (EMSA) to award the contract to the successful tenderer in tendering procedure 'EMSA C-2/06/04';
2. Dismisses the action as to the remainder;
3. Orders each party to bear its own costs.

(¹) OJ C 106, 30.4.2005.

**Judgment of the General Court of 3 March 2010 —
Bundesverband deutscher Banken v Commission**

(Case T-163/05) (¹)

(State aid — Transfer of public assets to Landesbank Hessen-Thüringen Girozentrale — Decision declaring the aid to be, in part, incompatible with the common market and ordering its recovery — Private investor test — Obligation to state the reasons on which the decision is based)

(2010/C 100/54)

Language of the case: German

Parties

Applicant: Bundesverband deutscher Banken eV (Berlin, Germany) (represented by: H.-J. Niemeyer, K.-S. Scholz and J.-O. Lenschow, lawyers)

Defendant: European Commission (represented by: N. Khan and T. Scharf, Agents)

Interveners in support of the defendant: Federal Republic of Germany (represented by M. Lumma and C. Schulze-Bahr, acting as Agents, and by J. Witting, lawyer); Land Hessen (Germany) (represented initially by H.-J. Freund and M. Holzhäuser, and subsequently by H.-J. Freund and S. Lehr, lawyers); and Landesbank Hessen-Thüringen Girozentrale (Frankfurt am Main, Germany) (represented by H.-J. Freund, lawyer)

Re:

Application for annulment of Commission Decision 2006/742/EC of 20 October 2004 on aid granted by

Germany [to] Landesbank Hessen-Thüringen — Girozentrale (OJ 2006 L 307, p. 159)

Operative part of the judgment

The Court:

1. Orders the documents produced by the Bundesverband deutscher Banken eV at Annexes 9 and 10 to the reply to be removed from the file;
2. Dismisses the application;
3. Orders the Bundesverband deutscher Banken to bear its own costs and to pay those incurred by the European Commission, the Land Hessen and Landesbank Hessen-Thüringen Girozentrale;
4. Orders the Federal Republic of Germany to bear its own costs.

(¹) OJ C 155, 25.6.2005.

**Judgment of the General Court of 3 March 2010 —
Artegodan v Commission**

(Case T-429/05) (¹)

(Non-contractual liability — Medicinal products for human use — Decision requiring the withdrawal of marketing authorisations — Annulment of the decision by a judgment of the Court of First Instance — Sufficiently serious breach of a rule of law conferring rights on individuals)

(2010/C 100/55)

Language of the case: German

Parties

Applicant: Artegodan GmbH (Lüchow, Germany) (represented by: U. Doepner, then A. Lensing-Kramer and subsequently by U. Reese and A. Sandrock, lawyers)

Defendant: European Commission (represented by: B. Stromsky and M. Heller)

Intervening in support of the form of order sought by the defendant: Federal Republic of Germany (represented by: M. Lumma and U. Forsthoff, Agents)