

3. orders *Wendel Investissement* to bear its own costs.

(<sup>1</sup>) OJ C 45, of 19.2.2005.

**Judgment of the General Court of 13 September 2010 —  
Greece and Others v Commission**

**(Joined Cases T-415/05, T-416/05 and T-423/05) (<sup>1</sup>)**

**(State aid — Aviation Sector — Aid linked to the restructuring and privatisation of the Greek national airline — Decision declaring the aid incompatible with the common market and requiring its recovery — Financial continuity between two companies — Identification of the effective recipient of aid for the purposes of its recovery — Criterion of the private operator — Compatibility of the aid with the common market — Obligation to state reasons for the decision)**

(2010/C 301/31)

Language of the case: Greek

**Parties**

*Applicants:* Hellenic Republic (represented by: A. Samoni-Rantou and P. Mylonopoulos, Agents) (Case T-415/05); Olympiakes Aerogrammes AE (Kallithéa, Greece) (represented by: V. Christianos, lawyer) (Case T-416/05); and Olympiaki Aeroporia Ypiresies AE (Athens, Greece) (represented by: P. Anestis, S. Mavroghenis, lawyers, S. Jordan and T. Soames, Solicitors, and D. Geradin, lawyer) (Case T-423/05)

*Defendant:* European Commission (represented by: D. Triantafyllou and T. Scharf, Agents)

*Intervener in support of the defendant:* Aeroporia Aigaiou Aeroporiki AE (Athens) (represented by: N. Keramidas and, in Case T-416/05, also by N. Korogiannakis, I. Dryllerakis and E. Dryllerakis, lawyers) (Cases T-416/05 and T-423/05)

**Re:**

Application for annulment of Commission Decision C(2005) 2706 final of 14 September 2005 on State aid for Olympiaki Aeroporia Ypiresies AE (C 11/2004 (ex NN 4/2003) — Olympic Airways — Restructuring and Privatisation)

**Operative part of the judgment**

*The Court:*

1. Annuls Article 1(1) of Commission Decision C(2005) 2706 final of 14 September 2005 on State aid for Olympiaki Aeroporia Ypiresies AE (C 11/2004 (ex NN 4/2003) — Olympic Airways — Restructuring and Privatisation);

2. Annuls, in part, Article 1(2) of Decision C(2005) 2706 final insofar as it relates to the amount corresponding to the value of all the intangible assets entered in the conversion balance-sheet of Olympiaki Aeroporia Ypiresies as goodwill, to the value of the aircraft transferred to Olympiakes Aerogrammes AE and to the revenue expected from the sale of two aircraft still entered in the balance-sheet of Olympiaki Aeroporia Ypiresies;

3. Annuls Article 2 of Decision C(2005) 2706 final insofar as it relates to the measures in question in Article 1(1) and (2), to the extent that those provisions are annulled;

4. Dismisses the remainder of the actions;

5. Orders each of the parties to bear its own costs, including those incurred in connection with the proceedings for interim relief.

(<sup>1</sup>) OJ C 22, 28.1.2006.

**Judgment of the General Court of 13 September 2010 —  
Trioplast Wittenheim v Commission**

**(Case T-26/06) (<sup>1</sup>)**

**(Competition — Agreements, decisions and concerted practices — Market for industrial plastic sacks — Decision finding an infringement of Article 81 EC — Duration of the infringement — Fines — Seriousness of the infringement — Mitigating circumstances — Cooperation during the administrative procedure — Proportionality)**

(2010/C 301/32)

Language of the case: Swedish

**Parties**

*Applicant:* Trioplast Wittenheim SA (Wittenheim, France) (represented by: T. Petersson and O. Larsson, lawyers)

*Defendant:* European Commission (represented by: initially F. Castillo de la Torre, P. Hellström and V. Bottka, subsequently F. Castillo de la Torre, L. Parpala and V. Bottka, acting as Agents)

**Re:**

Application for partial annulment of Commission Decision C(2005) 4634 final of 30 November 2005 relating to a procedure under Article 81 [EC] (Case COMP/F/38.354 — Industrial sacks) concerning an agreement in the market for plastic industrial sacks and, in the alternative, an application for reduction of the amount of the fine imposed on the applicant.