

**Judgment of the Court of First Instance of 9 July 2009 —
Peugeot and Peugeot Nederland v Commission**

(Case T-450/05) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — Distribution of Motor vehicles — Decision finding an infringement of Article 81 EC — Limitation of parallel exports from the Netherlands — System of remuneration of dealers and pressure — Agreement with an anti-competitive aim — Fines — Seriousness and length of the infringement)

(2009/C 205/56)

Language of the case: French

Parties

Applicant: Automobiles Peugeot SA (Paris, France) and Peugeot Nederland NV (Utrecht, Netherlands) (represented by: O. d'Ormesson and N. Zacharie, lawyers)

Defendant: Commission of the European Communities (represented by: A. Bouquet, F. Arbault and A. Whelan, initially, and A. Bouquet and M. Kellerbauer, subsequently, Agents)

Re:

Annulment of Commission Decision C (2005)3683 final of 5 October 2005 relating to proceedings under Article 81 [EC] (Cases COMP/F2-36.623, COMP/F2-36.820 and COMP/F2-37.275 — SEP and Others/Automobiles Peugeot SA) and, in the alternative, an application for the reduction of the amount of the fine imposed on the applicants by the decision.

Operative part of the judgment

The Court:

1. Orders that the fine imposed on Automobiles Peugeot SA and Peugeot Nederland NV by Article 3 of Commission Decision C (2005) 3683 final of 5 October 2005 relating to proceedings under Article 81 [EC] (Cases COMP/F2-36.623, COMP/F2-36.820 and COMP/F2-37.275 — SEP and Others/Automobiles Peugeot SA) be fixed at EUR 44.55 million;
2. Dismisses the action as to the remainder;
3. Orders Automobiles Peugeot and Peugeot Nederland to bear nine-tenths of their own costs and to pay nine-tenths of the costs incurred by the Commission of the European Communities;
4. Orders the Commission to bear one tenth of its own costs and to pay one tenth of the costs incurred by Automobiles Peugeot and Peugeot Nederland.

⁽¹⁾ OJ C 74, 25.03.2006.

**Judgment of the Court of First Instance of 8 July 2009 —
Zenab v Commission**

(Case T-33/06) ⁽¹⁾

(Community financial support — Programme to encourage the development, distribution and promotion of European audiovisual works (MEDIA Plus) — Call for proposals — Rejection of the proposal — Alleged unlawful delegation of powers which have been transferred to the Commission — Manifest errors of assessment — Obligation to state reasons — Access to documents — Action for annulment and for compensation)

(2009/C 205/57)

Language of the case: French

Parties

Applicant: Zenab SPRL (Brussels, Belgium) (represented by: J. Windey and P. De Bandt, lawyers)

Defendant: Commission of the European Communities (represented by: J.-P. Keppenne and L. Pignataro-Nolin, acting as Agents)

Re:

Action, first, for annulment of the Commission's Decision of 9 November 2005 with reference number 648599 and, secondly, for a finding that the European Community is non-contractually liable, for an order that the Commission should pay to the applicant the sum of EUR 37 807 as compensation for the costs incurred in the context of the call for proposals, the amount of the non-material loss because of damage to reputation and the amount of the material loss resulting from the delay in the implementation of the EuroVOD project, and for the appointment of an expert to assess that loss

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Zenab SPRL to pay the costs.

⁽¹⁾ OJ C 74, 25.3.2006.