

## GENERAL COURT

**Judgment of the General Court of 13 February 2012 —  
Budapesti Erőmű v Commission**(Joined Cases T-80/06 and T-182/09) <sup>(1)</sup>

*(State aid — Wholesale electricity market — Favourable terms granted by a Hungarian public undertaking to certain power generators under power purchase agreements — Decision to initiate the procedure laid down in Article 88(2) EC — Decision declaring the aid incompatible with the common market and ordering its recovery — New aid — Private investor test)*

(2012/C 89/30)

*Language of the case: English***Parties**

*Applicant:* Budapesti Erőmű Zrt (Budapest (Hungary)) (represented, in Cases T-80/06 and T-182/09, by M. Powell, C. Arhold and K. Struckmann, lawyers, and also, in Case T-182/09, by A. Hegyi, lawyer)

*Defendant:* European Commission (represented, in Cases T-80/06 and T-182/09, by N. Khan, L. Flynn and K. Talabér-Ritz, and also, in Case T-80/06, by V. Di Bucci, acting as Agents)

**Re:**

Application, in Case T-80/06, for annulment of the Commission's decision, notified to Hungary by letter of 9 November 2005, to initiate the procedure laid down in Article 88(2) EC in relation to State aid C 41/2005 (ex NN 49/2005) — Hungarian Stranded Costs, and, in Case T-182/09, for annulment of Commission Decision 2009/609/EC of 4 June 2008 on the State aid C 41/05 awarded by Hungary through Power Purchase Agreements (OJ 2009 L 225, p. 53).

**Operative part of the judgment***The Court:*

1. Dismisses the actions;
2. Orders Budapesti Erőmű Zrt to pay the costs.

<sup>(1)</sup> OJ C 108, 6.5.2006.

**Judgment of the General Court of 14 February 2012 —  
Italy v Commission**(Case T-267/06) <sup>(1)</sup>

*(EAGGF — Guarantee Section — Expenditure excluded from Community financing — Financial corrections — Fruit and vegetables — Public storage of beef and veal)*

(2012/C 89/31)

*Language of the case: Italian***Parties**

*Applicant:* Italian Republic (represented by: G. Aiello, Avvocato dello Stato)

*Defendant:* European Commission (represented by: C. Cattabriga and F. Jimeno Fernández, Agents, assisted by A. Dal Ferro, lawyer)

**Re:**

Partial annulment of Commission Decision 2006/554/EC of 27 July 2006 excluding from Community financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) (OJ 2006 L 218, p. 12), in so far as it excludes certain expenditure incurred by the Italian Republic in the fruit and vegetable sector and in the public storage of beef and veal sector.

**Operative part of the judgment***The Court:*

1. Dismisses the action;
2. Orders the Italian Republic to bear its own costs and to pay those incurred by the European Commission.

<sup>(1)</sup> OJ C 281, 18.11.2006.

**Judgment of the General Court of 14 February 2012 —  
Germany v Commission**(Case T-59/09) <sup>(1)</sup>

*(Access to documents — Regulation (EC) No 1049/2001 — Documents relating to an infringement procedure which has been closed — Documents originating from a Member State — Grant of access — Prior agreement of the Member State)*

(2012/C 89/32)

*Language of the case: German***Parties**

*Applicant:* Federal Republic of Germany (represented by: M. Lumma, B. Klein and A. Wiedmann, Agents)