

2. *Complejo Agrícola S.A. is ordered to bear its own costs and to pay those of the Commission;*
3. *The Kingdom of Spain is ordered to bear its own costs.*

(¹) OJ C 20, 27.1.2007.

**Order of the Court of First Instance of 4 July 2008 —
Wegenbouwmaatschappij J. Heijmans v Commission**

(Case T-358/06) (¹)

(Action for annulment — Decision finding an infringement of Article 81 EC — Action brought by an undertaking referred to in the reasons for a decision not addressed to it — Lack of interest in bringing proceedings — Inadmissible)

(2008/C 223/71)

Language of the case: Dutch

Parties

Applicant: Wegenbouwmaatschappij J. Heijmans (Rosmalen, Netherlands) (represented by: M. Smeets and A. Van den Oord, lawyers)

Defendant: Commission of the European Communities (represented by: A. Bouquet and A. Nijenhuis, Agents, assisted by F. Wijckmans, F. Tuyschaever and L. Gyselen, lawyers)

Re:

Action for annulment of Commission Decision 2007/523/EC decision of 13 September 2006 relating to a proceeding under Article 81 EC (Case COMP/38.456 — Bitumen — Netherlands) or, in the alternative, a reduction of the fine imposed on Heijmans NV and Heijmans Infrastructur BV.

Operative part of the order

The Court:

1. *Dismisses the action;*
2. *Orders Wegenbouwmaatschappij J. Heijmans BV to bear its own costs and to pay the costs incurred by the Commission.*

(¹) OJ C 20, 27.1.2007.

**Order of the Court of First Instance of 14 July 2008 —
Calebus v Commission**

(Case T-366/06) (¹)

(Action for annulment — Directive 92/43/EEC — Conservation of natural habitats and of wild fauna and flora — Decision 2006/613/EC — List of sites of Community importance for the Mediterranean biogeographical region — Challengeable act — Lack of direct effect — Inadmissible)

(2008/C 223/72)

Language of the case: Spanish

Parties

Applicant: Calebus S.A. (Almería, Spain) (represented by: R. Bocanegra Sierra, lawyer)

Defendant: Commission of the European Communities (represented by: A. Alcover San Pedro and D. Recchia, Agents)

Intervener in support of the defendant: Kingdom of Spain (represented by: F. Díez Moreno, abogado del Estado)

Re:

Partial annulment of Commission Decision 2006/613/EC of 19 July 2006 adopting, pursuant to Council Directive 92/43/EEC, the list of sites of Community importance for the Mediterranean biogeographical region (OJ 2006 L 259, p. 1), in so far as it declares the site designated as 'Ramblas de Jergal, Tabernas y Sur de Sierra Alhamilla', which includes land belonging to the applicant, to be a site of Community importance for the Mediterranean biogeographical region.

Operative part of the order

1. *The action is dismissed as inadmissible;*
2. *Calebus S.A. is ordered to bear its own costs and to pay those of the Commission;*
3. *The Kingdom of Spain is ordered to bear its own costs.*

(¹) OJ C 20, 27.1.2007.