

Re:

Application for the annulment of Commission Decision C(2007) 3104 of 27 June 2007 declaring a concentration to be incompatible with the common market and the EEA Agreement (Case COMP/M.4439 — Ryanair/Aer Lingus)

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Ryanair Holdings plc to bear its own costs and to pay the costs incurred by the European Commission and Aer Lingus Group plc;
3. Orders Ireland to bear its own costs.

(¹) OJ C 269, 10.11.2007.

Judgment of the General Court of 6 July 2010 — Aer Lingus Group v Commission

(Case T-411/07) (¹)

(Competition — Concentrations — Decision declaring a concentration incompatible with the common market — Concept of concentration — Disposal of all the shares acquired, so as to restore the situation prevailing before the implementation of the concentration — Refusal to order appropriate measures — Lack of competence of the Commission)

(2010/C 221/56)

Language of the case: English

Parties

Applicant: Aer Lingus Group plc (Dublin, Ireland) (represented by: A. Burnside, Solicitor, B. van de Walle de Ghelcke and T. Snels, lawyers, and subsequently by A. Burnside and B. van de Walle de Ghelcke)

Defendant: European Commission (represented by: X. Lewis, É. Gippini Fournier and S. Noë, Agents)

Intervener in support of the defendant: Ryanair Holdings plc (Dublin), (represented by J. Swift QC, V. Power, A. McCarthy, D. Hull, Solicitors, and G. Berrisch, lawyer)

Re:

Application for annulment of Commission Decision C(2007) 4600 of 11 October 2007 rejecting the applicant's request to initiate proceedings under Article 8(4) of Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (OJ 2004 L 24, p. 1), and to adopt interim measures under Article 8(5) of that regulation

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Aer Lingus Group plc to bear its own costs and those incurred by the Commission and Ryanair Holdings plc, including those relating to the interim proceedings.

(¹) OJ C 8, 12.1.2008.

Judgment of the General Court of 1 July 2010 — Italian Republic v Commission

(Case T-53/08) (¹)

(State aid — Compensation for expropriation on grounds of public interest — Temporal extension of a preferential tariff for the supply of electricity — Decision declaring the aid incompatible with the common market — Concept of advantage — Principle of audi alteram partem)

(2010/C 221/57)

Language of the case: Italian

Parties

Applicant: Italian Republic (represented by: S. Fiorentino, lawyer)

Defendant: European Commission (represented by: C. Giolito and G. Conte, Agents)

Re:

Application for annulment of Commission Decision 2008/408/EC of 20 November 2007 on the State aid C 36/A/06 (ex NN 38/06) implemented by Italy in favour of ThyssenKrupp, Cementir and Nuova Terni Industrie Chimiche (OJ 2008 L 144, p. 37)