

Judgment of the General Court of 24 March 2011 — Pegler v Commission(Case T-386/06) ⁽¹⁾**(Competition — Agreements, decisions and concerted practices — Copper and copper alloy fittings sector — Decision finding an infringement of Article 81 EC — Imputability of the infringement — Fines — Deterrent effect)**

(2011/C 145/35)

Language of the case: English

Parties*Applicant:* Pegler Ltd (Doncaster, United Kingdom) (represented by: R. Thompson QC and A. Collinson, Solicitor)*Defendant:* European Commission (represented by: A. Nijenhuis and V. Bottka, acting as Agents, and by S. Kinsella and K. Daly, Solicitors)**Re:**

Application for annulment in part of Commission Decision C(2006) 4180 of 20 September 2006 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/F-1/38.121 — Fittings), and also, in the alternative, for a reduction in the fine imposed on the applicant in that decision.

Operative part of the judgment*The Court:*

1. Annuls Article 1 of Commission Decision C(2006) 4180 of 20 September 2006 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/F-1/38.121 — Fittings) in so far as it finds that Pegler Ltd participated in the infringement in the period from 31 December 1988 to 29 October 1993;
2. Sets the amount of the fine for which Pegler Ltd is jointly and severally liable under Article 2(h) of Decision C(2006) 4180 at EUR 3,4 million;
3. Dismisses the action as to the remainder;
4. Orders each party to bear its own costs.

⁽¹⁾ OJ C 20, 27.1.2007.**Judgment of the General Court of 31 March 2011 — Greece v Commission**(Case T-214/07) ⁽¹⁾**(EAGGF — Guarantee Section — Expenditure excluded from Community financing — Arable crops — Specific measures for certain agricultural products in favour of the smaller Aegean islands)**

(2011/C 145/36)

Language of the case: Greek

Parties*Applicant:* Hellenic Republic (represented by: V. Kontolaimos and I. Chalikias, Agents)*Defendant:* European Commission (represented by: H. Tserepa-Lacombe, Agent and N. Korogiannakis, lawyer)**Re:**

Application for annulment of Commission Decision 2007/243/EC of 18 April 2007 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 2007 L 106, p. 55).

Operative part of the judgment*The Court:*

1. Dismisses the action;
2. Orders the Hellenic Republic to pay the costs.

⁽¹⁾ OJ C 199, 25.8.2007.**Judgment of the General Court of 31 March 2011 — Italy v EESC**(Case T-117/08) ⁽¹⁾**(Rules on the use of languages — Vacancy notice concerning the recruitment of the Secretary-General of the EESC — Publication in three official languages — Information relating to the vacancy notice — Publication in all official languages — Action for annulment — Admissibility — Articles 12 EC and 290 EC — Article 12 of the CEOS — Regulation No 1)**

(2011/C 145/37)

Language of the case: Italian

Parties*Applicant:* Italian Republic (represented by: R. Adam, Agent, and by P. Gentili, lawyer)

Defendant: European Economic and Social Committee (EESC) (represented initially by: M. Bermejo Garde, and subsequently by: M. Arsène, Agents, and by A. Dal Ferro, lawyer)

Intervener in support of the applicant: Kingdom of Spain, (represented by: F. Díez Moreno, Agent)

Re:

ACTION for annulment, firstly, of vacancy notice No 73/07 concerning a post of Secretary-General in the Secretariat of the EESC, published in the English, French and German versions of the *Official Journal of the European Union* of 28 December 2007 (OJ 2007 C 316 A, p. 1), and, secondly, of the corrigendum to that vacancy notice published in the English, French and German versions of the *Official Journal of the European Union* of 30 January 2008 (OJ 2008 C 25 A, p. 19)

Operative part of the judgment

The Court:

1. Annuls vacancy notice No 73/07 concerning a post of Secretary-General in the Secretariat of the European Economic and Social Committee (EESC), published on 28 December 2007, as corrected on 30 January 2008;
2. Orders each party to bear its own costs.

⁽¹⁾ OJ C 116, 9.5.2008.

**Judgment of the General Court of 24 March 2011 —
Freistaat Sachsen and Others v Commission**

(Joined Cases T-443/08 and T-455/08) ⁽¹⁾

(State aid — Aid for Leipzig/Halle Airport — Funding of investments relating to the construction of the new southern runway — Decision declaring aid compatible with the common market — Actions for annulment — No interest in bringing proceedings — Inadmissibility — Concept of ‘undertaking’ — Concept of ‘economic activity’ — Airport infrastructure)

(2011/C 145/38)

Language of the case: German

Parties

Applicants: Freistaat Sachsen (Germany) and Land Sachsen-Anhalt (Germany) (represented by U. Soltész, lawyer) (Case T-443/08); Mitteldeutsche Flughafen AG (Leipzig, Germany) and Flughafen Leipzig/Halle GmbH (Leipzig) (represented by: M. Núñez-Müller, lawyer) (Case T-455/08)

Defendant: European Commission (represented by: K. Gross, B. Martenczuk and E. Righini, Agents)

Interveners in support of the applicants: Federal Republic of Germany (represented by M. Lumma and B. Klein, Agents); and Arbeitsgemeinschaft Deutscher Verkehrsflughäfen eV (ADV) (represented by L. Giesberts, lawyer)

Re:

Application for partial annulment of Commission Decision 2008/948/EC of 23 July 2008 on measures by Germany to assist DHL and Leipzig/Halle Airport (OJ 2008 L 346, p. 1).

Operative part of the judgment

The Court:

1. Joins Cases T-443/08 and T-455/08 for the purposes of judgment;
2. Dismisses the action in Case T-443/08 as inadmissible;
3. Annuls Article 1 of Commission Decision 2008/948/EC of 23 July 2008 on measures by Germany to assist DHL and Leipzig/Halle Airport in so far as it fixes at EUR 350 million the amount of State aid which the Federal Republic of Germany intends to grant to Leipzig/Halle Airport for the construction of a new southern runway and related airport infrastructure;
4. Dismisses the remainder of the action in Case T-455/08;
5. Orders Freistaat Sachsen and Land Sachsen-Anhalt to bear their own costs and to pay the European Commission's costs in Case T-443/08;
6. Orders Mitteldeutsche Flughafen AG and Flughafen Leipzig/Halle GmbH to bear their own costs;
7. Orders the Commission bear its own costs in Case T-455/08;
8. Orders the Federal Republic of Germany and Arbeitsgemeinschaft Deutscher Verkehrsflughäfen eV (ADV) to bear their own costs in Cases T-443/08 and T-455/08.

⁽¹⁾ OJ C 237, 20.12.2008.

**Judgment of the General Court of 29 March 2011 —
Portugal v Commission**

(Case T-33/09) ⁽¹⁾

(Non-compliance with a judgment of the Court of Justice establishing a failure to fulfil obligations — Penalty payment — Claim for payment — Repeal of the legislation at issue)

(2011/C 145/39)

Language of the case: Portuguese

Parties

Applicant: Portuguese Republic (represented by: L. Inez Fernandes and J.A. de Oliveira, Agents)