

COURT OF FIRST INSTANCE

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 6 July 2000

in Case T-62/98: Volkswagen AG v Commission of the European Communities⁽¹⁾

(Competition — Distribution of motor vehicles — Partitioning of the market — Article 85 of the EC Treaty (now Article 81 EC) — Regulation (EEC) No 123/85 — Disclosure to the press — Business secrets — Good administration — Fines — Gravity of the infringement)

(2000/C 273/17)

(Language of the case: German)

In Case T-62/98: Volkswagen AG, established in Wolfsburg (Germany), represented by R. Bechtold, Stuttgart, with an address for service in Luxembourg at the Chambers of Loesch and Wolter, 11 Rue Goethe v Commission of the European Communities (Agents: K. Wiedner and H.J. Freund) — application for annulment of Commission Decision 98/273/EC of 28 January 1998 relating to a proceeding under Article 85 of the EC Treaty (Case IV/35.733 — VW) (OJ 1998 L 124, p. 60) or, in the alternative, for reduction of the fine imposed on the applicant in that decision — the Court (Fourth Chamber), composed of: R.M. Moura Ramos, President, V. Tiili and P. Mengozzi, Judges; B. Pastor, Administrator, for the Registrar, has given a judgment on 6 July 2000, in which it:

1. *Annuls Commission Decision 98/273/EC of 28 January 1998 relating to a proceeding under Article 85 of the EC Treaty (Case IV/35.733 — VW) in so far as it finds that:*
 - (a) *a split margin system and termination of certain dealership contracts by way of penalty were measures adopted in order to hinder re-exports of Volkswagen and Audi vehicles from Italy by final consumers and authorised dealers in those makes in other Member States;*
 - (b) *the infringement had not completely ceased between 1 October 1996 and the adoption of the decision;*

2. *Reduces the amount of the fine imposed on the applicant by Article 3 of the contested decision to Euro 90 000 000;*
3. *Dismisses the remainder of the application;*
4. *Orders the applicant to bear its own costs and to pay 90 % of the costs incurred by the Commission;*
5. *Orders the Commission to bear 10 % of its own costs.*

(¹) OJ C 184 of 13.6.98.

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 27 June 2000

in Case T-72/99: Karl L. Meyer v Commission of the European Communities⁽¹⁾

(OCTs — Project financed by the EDF — Action for damages — Legitimate expectations — Commission's duty to exercise control)

(2000/C 273/18)

(Language of the case: French)

In Case T-72/99: Karl L. Meyer, residing at Uturoa (island of Raiatea, French Polynesia), represented by J.-D. des Arcis, of the Papeete Bar, and C.A. Kupferberg, of the Paris Bar, with an address for service in Luxembourg at the office of Mr H. Pakowski, Ambassador of the Federal Republic of Germany, 20-22 Avenue Emile Reuter, v Commission of the European Communities (agent: X. Lewis) — application for compensation for the damage allegedly suffered by the applicant as a result of the European Development Fund having refrained from paying a subsidy which it had undertaken to grant in the context of a programme concerning the planting of trees and tropical fruit plants on the island of Raiatea — the Court of First Instance (Third Chamber), composed of: K. Lenaerts, President, and J. Azizi and M. Jaeger, Judges; G. Herzig, Administrator, for the Registrar, has given a judgment on 27 June 2000, in which it: