

COURT OF FIRST INSTANCE

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 12 December 2000

in Case T-296/97: Alitalia — Linee aeree italiane SpA v Commission of the European Communities⁽¹⁾

(State aid — Recapitalisation of Alitalia by the Italian authorities — Classification of the measure — Private investor test — Examination by the Commission)

(2001/C 108/22)

(Language of the case: Italian)

In Case T-296/97: Alitalia — Linee aeree italiane SpA, established in Rome, Italy, represented by F. Sciaudone and G.M. Roberti, of the Naples Bar, M. Siragusa, of the Rome Bar, G. Scassellati Sforzolini, of the Bologna Bar, M. Beretta, of the Bergamo Bar, and F.M. Moretti, of the Venice Bar, and initially by A. Tizzano, of the Naples Bar, with an address for service in Luxembourg at the Chambers of Elvinger, Hoss and Prussen, 2 Place Winston Churchill, against Commission of the European Communities (Agents: D. Triantafyllou, A. Abate and E. Cappelli,) supported by Air Europe SpA, established in Gallarate, Italy, represented by L. Pierallini and A. Costantini, of the Rome Bar, with an address for service in Luxembourg at the Chambers of A. Lorang, 51 Rue Albert 1er, and by Air One SpA, established in Chieti, Italy, represented by M. Merola, of the Rome Bar, and A. Sodano del Foro Adele, of the Naples Bar, with an address for service in Luxembourg at the Chambers of A. Lorang, 51 Rue Albert 1er — application for annulment of Commission Decision 97/789/EC of 15 July 1997 concerning the recapitalisation of the company Alitalia (OJ 1997 L 322, p. 44) — the Court of First Instance (Third Chamber, Extended Composition), composed of: K. Lenaerts, President, J. Azizi, R.M. Moura Ramos, M. Jaeger and P. Mengozzi, Judges; J. Palacio González, Administrator, for the Registrar, has given a judgment on 12 December 2000, in which it:

1. Annuls Commission Decision 97/789/EC of 15 July 1997 concerning the recapitalisation of the company Alitalia;
2. Orders the Commission to bear its own costs and to pay those incurred by the applicant;
3. Orders Air One SpA and Air Europe SpA to bear their own costs.

⁽¹⁾ OJ C 41 of 7.2.1998.

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 14 December 2000

in Case T-613/97: Union Française de l'Express (Ufex) and Others v Commission of the European Communities⁽¹⁾

(State aid — Rights of the defence — Access to the file — Requirement to state reasons — Postal sector — Cross-subsidies between the reserved sector and the competitive sector — Concept of State aid — Normal market conditions)

(2001/C 108/23)

(Language of the case: French)

In Case T-613/97: Union Française de l'Express (Ufex), established in Roissy-en-France (France), DHL International, established in Roissy-en-France, Federal Express International (France), established in Gennevilliers (France), CRIE, established in Asnières (France), represented by É. Morgan de Rivery, of the Paris Bar, and J. Derenne, of the Brussels and Paris Bars, with an address for service in Luxembourg at the Chambers of A. Schmitt, 7 Val Sainte-Croix, against Commission of the European Communities (Agents: G. Rozet and D. Triantafyllou), supported by French Republic, (Agents: K. Rispal-Bellanger and F. Million), by Chronopost SA, established in Issy-les-Moulineaux (France), represented by V. Bouaziz Torron and D. Berlin, of the Paris Bar, with an address for service in Luxembourg at the Chambers of A. May, 398 Route d'Esch, and by La Poste, established in Boulogne-Billancourt (France), represented by H. Lehman, of the Paris Bar, with an address for service in Luxembourg at the Chambers of A. May, 398 Route d'Esch, application for annulment of Commission Decision 98/365/EC of 1 October 1997 concerning alleged State aid granted by France to SFMI-Chronopost (OJ 1998 L 164, p. 37) — the Court of First Instance (Fourth Chamber, Extended Composition), composed of: V. Tiili, President, P. Lindh, R.M. Moura Ramos, J.D. Cooke and P. Mengozzi, Judges; G. Herzig, Administrator, for the Registrar, has given a judgment on 14 December 2000, in which it:

1. Annuls Article 1 of Commission Decision 98/365/EC of 1 October 1997 concerning alleged State aid granted by France to SFMI-Chronopost in so far as it finds that the logistical and commercial assistance provided by La Poste to its subsidiary SFMI-Chronopost does not constitute State aid to SFMI-Chronopost;
2. Dismisses the remainder of the application;

3. Orders the applicants to bear 10 % of their own costs;
4. Orders the Commission to bear its own costs and to pay 90 % of the costs incurred by the applicants;
5. Orders the French Republic, Chronopost SA and La Poste to bear their own costs.

(¹) OJ C 72 of 7.3.1998.

3. orders the defendant to bear the costs in Case T-130/98.
4. orders each of the parties to bear their own costs, including those relating to the interlocutory proceedings, in Case T-131/98.

(¹) OJ C 327 of 24.10.1998.

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 13 December 2000

in Joined Case T-130/98 and T-131/98: Francis Panichelli
v European Parliament (¹)

(Temporary agents — Engaged on the basis of Article 2(c) of the Conditions of Employment of other Servants of the Communities — Reclassification of a post — Absence of promotion to Grade A 4 — Staff reports — Action for annulment and claim for damages — Admissibility of the action — Dismissal pursuant to Article 47(2)(a) of the Conditions of Employment of other Servants of the Communities — Whether internal procedure observed — Reason for dismissal — Misuse of powers)

(2001/C 108/24)

(Language of the case: French)

In Joined Cases T-130/98 and T-131/98: Francis Panichelli, former temporary agent of the European Parliament, residing in Wezembeek-Oppem (Belgium), represented by E. Boigelot, of the Brussels Bar, with an address for service in Luxembourg at the Chambers of L. Schiltz, 2 Rue du Fort Rheinsheim, against European Parliament (Agents: M. Moore and J. Sant'Anna) — application for (Case T-130/98) annulment of the implied rejection of the applicant's request of 11 July 1997 and for an order requiring the defendant to pay damages and (Case T-131/98) for annulment of the decision communicated on 2 July 1998 bringing to an end the applicant's temporary contract — the Court of First Instance (Second Chamber), composed of J. Pirrung, President, A. Potocki and A.W.H. Meij, Judges; Blanca Pastor, Principal Administrator, for the Registrar, gave a judgment on 13 December 2000, in which it:

1. joins Cases T-130/98 and T-131/98 for the purpose of the judgment.
2. dismisses the applications in Cases T-130/98 and T-131/98.

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 5 December 2000

in Case T-136/98: Anna Maria Campogrande v Commission of the European Communities (¹)

(Officials — Duty to render assistance — Sexual harassment)

(2001/C 108/25)

(Language of the case: French)

In Case T-136/98: Anna Maria Campogrande, an official at the Commission of the European Communities, residing in Brussels, represented by A. Krywin, of the Brussels Bar, with an address for service in Luxembourg at the Chambers of A. Lutgen, 1 Rue Jean-Pierre Brasseur, against Commission of the European Communities (Agents: C. Berardis-Kayser and F. Clotuche-Duvieusart) — first, application for annulment of the implied decision of the Commission rejecting the applicant's request for assistance of 27 June 1997 and, secondly, a claim for damages to make good the harm suffered — the Court of First Instance (Fourth Chamber), composed of V. Tiili, President, R.M. Moura Ramos and P. Mengozzi, Judges; Blanca Pastor, Principal Administrator, for the Registrar, gave a judgment on 5 December 2000, in which it:

1. annuls the implied decision of the Commission rejecting the applicant's request for assistance of 27 June 1997;
2. dismisses the remainder of the application;
3. orders the Commission to pay the costs.

(¹) OJ C 327 of 24.10.1998.