

JUDGMENT OF THE COURT

of 3 July 2003

**in Joined Cases C-83/01 P, C-93/01 P and C-94/01 P:
Chronopost and Others ⁽¹⁾**

(Appeal — State aid — Postal sector — Public undertaking entrusted with a service of general economic interest — Logistical and commercial assistance to a subsidiary not operating in a reserved sector — Concept of State aid — Criterion of private operator acting under normal market conditions)

(2003/C 200/06)

(Language of the case: French)

(Provisional translation; the definitive translation will be published in the European Court Reports)

In Joined Cases C-83/01 P, C-93/01 P and C-94/01 P, Chronopost SA, established in Issy-les-Moulineaux (France), (represented by V. Bouaziz Torron and D. Berlin) (C-83/01 P), LaPoste, established in Boulogne-Billancourt (France) (represented by H. Lehman) (C-94/01 P) French Republic (Agents: G. de Bergues and F. Million) (C-93/01 P): Appeals against the judgment of the Court of First Instance of the European Communities (Fourth Chamber, Extended Composition) of 14 December 2000 in Case T-613/97 Ufex and Others v Commission [2000] ECR II-4055, seeking to have that judgment set aside, the other parties to the proceedings being: Union française de l'express (Ufex), established in Roissy-en-France (France), DHL International, established in Roissy-en-France, Federal express international (France) SNC, established in Gennevilliers (France), CRIE SA established in Asnières (France) (represented by E. Morgan de Rivery and J. Derenne) and Commission of the European Communities, the Court, composed of: G. C. Rodríguez Iglesias, President, J.-P. Puissochet and M. Wathelet (Rapporteur) (Presidents of Chambers), C. Gulmann, D. A. O. Edward, P. Jann, V. Skouris, F. Macken, N. Colneric, S. von Bahr and A. Rosas, Judges; A. Tizzano, Advocate General; M.-F. Contet, Principal Administrator, for the Registrar, has given a judgment on 3 July 2003, in which it:

1. Sets aside the judgment of the Court of First Instance of the European Communities of 14 December 2000 in Case T-613/97 Ufex and Others v Commission;

2. Refers the case back to the Court of First Instance;

3. Reserves the costs.

⁽¹⁾ OJ C 150 of 19.5.2001 of OJ C 134 of 5.5.2001.

JUDGMENT OF THE COURT

of 10 July 2003

in Case C-87/01 P: Commission of the European Communities v Conseil des communes et régions d'Europe (CCRE) ⁽¹⁾

(Appeal — Commission decision effecting set-off between two claims governed by separate legal orders — Set-off in disregard of the rules of national law governing one of the claims concerned — Illegality)

(2003/C 200/07)

(Language of the case: French)

(Provisional translation; the definitive translation will be published in the European Court Reports)

In Case C-87/01 P, Commission of the European Communities (Agents: P. Oliver and H. M. H. Speyart): Appeal against the judgment of the Court of First Instance of the European Communities (Fourth Chamber) of 14 December 2000 in Case T-105/99 CEMR v Commission [2000] ECR II-4099, seeking to have that judgment set aside, the other party to the proceedings being: Conseil des communes et régions d'Europe (CCRE), established in Paris (France) (represented by F. Herbert and F. Renard), the Court, composed of: G. C. Rodríguez Iglesias, President, M. Wathelet and R. Schintgen (Presidents of Chambers), C. Gulmann, A. La Pergola (Rapporteur), P. Jann, V. Skouris, N. Colneric, S. von Bahr, J. N. Cunha Rodrigues and A. Rosas, Judges; P. Léger, Advocate General; H. von Holstein, Deputy Registrar, has given a judgment on 10 July 2003, in which it:

1. Sets aside the judgment of the Court of First Instance of the European Communities of 14 December 2000 in Case T-105/99 CEMR v Commission;