

4. Article 12 EC and the second subparagraph of Article 34(2) EC do not preclude the adoption of measures such as those at issue in the main proceedings against a dairy cooperative which enjoys market power and exploits that position in a manner contrary to the public interest, even though large vertically-integrated dairy cooperatives are permitted to operate in other Member States.

⁽¹⁾ OJ C 176 of 24.6.2000.

JUDGMENT OF THE COURT

(Fifth Chamber)

of 18 September 2003

in Case C-331/00: Hellenic Republic v Commission of the European Communities ⁽¹⁾

(EAGGF — Clearance of accounts — Financial years 1996, 1997 and 1998 — Arable crops — Beef — Aid for early retirement)

(2003/C 264/03)

(Language of the case: Greek)

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

In Case C-331/00, Hellenic Republic (Agents: V. Kontolaimos and I. K. Chalkias, as well as by C. Tsiavou) v Commission of the European Communities (Agent: M. Condou-Durande): Application for partial annulment of Commission Decision 2000/449/EC of 5 July 2000 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 2000 L 180, p. 49), in so far as its concerns the Hellenic Republic, the Court (Fifth Chamber), composed of: D.A.O. Edward (Rapporteur), acting for the President of the Fifth Chamber, A. La Pergola, P. Jann, S. von Bahr and A. Rosas, Judges; A. Tizzano, Advocate General; M.-F. Contet, Principal Administrator, for the Registrar, has given a judgment on 18 September 2003, in which it:

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

⁽¹⁾ OJ C 355 of 9.12.2000.

JUDGMENT OF THE COURT

(Sixth Chamber)

of 18 September 2003

in Case C-338/00 P: Volkswagen AG ⁽¹⁾

(Appeal — Competition — Distribution of motor vehicles — Partitioning of the market — Article 85 of the EC Treaty (now Article 81 EC) — Regulation (EEC) No 123/85 — Whether the infringement can be attributed to the undertaking concerned — Right to a fair hearing — Duty to state reasons — Legal consequences of disclosure to the press — Effect of propriety of the notification on the calculation of the fine — Cross-appeal)

(2003/C 264/04)

(Language of the case: German)

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

In Case C-338/00 P, Volkswagen AG, established in Wolfsburg (Germany) (represented by R. Bechtold): Appeal against the judgment of the Court of First Instance of the European Communities (Fourth Chamber) of 6 July 2000 in Case T-62/98 Volkswagen v Commission [2000] ECR II-2707, seeking to have that judgment set aside in part, the other party to the proceedings being: Commission of the European Communities (Agent: K. Wiedner, assisted by H.-J. Freund), the Court (Sixth Chamber), composed of: J.-P. Puissochet, President of the Chamber, C. Gulmann, V. Skouris (Rapporteur), F. Macken and N. Colneric, Judges; D. Ruiz-Jarabo Colomer, Advocate General; M.-F. Contet, Principal Administrator, for the Registrar, has given a judgment on 18 September 2003, in which it:

1. Dismisses the main appeal and the cross-appeal;
2. Orders each party to bear its own costs.

⁽¹⁾ OJ C 335 of 25.11.2000.