

1. *The contested decision of the Commission 2001/146/EC of 20 September 2000 relating to a proceeding under Article 81 of the EC Treaty (COMP/36.653 — Opel) is annulled in so far as it establishes the existence of a restrictive supply measure contrary to Article 81(1) EC.*
2. *The amount of the fine imposed on the applicants by Article 3 of the contested decision is reduced to EUR 35 475 000.*
3. *The application is dismissed as to the remainder.*
4. *The applicants are ordered to bear four fifths of their own costs and four fifths of the Commission's costs; the Commission is ordered to bear one fifth of its own costs and one fifth of the applicants' costs.*

(¹) OJ C 61 of 24.2.2001.

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 16 October 2003

in Case T-47/01: Co-Frutta Soc. coop. rl v Commission of the European Communities (¹)

(Action for annulment — Access to documents — Decision 94/90/ECSC, EC, Euratom — Refusal — Authorship rule — Misuse of powers)

(2004/C 7/55)

(Language of the case: Italian)

In Case T-47/01, Co-Frutta Soc. coop. rl, established in Padua (Italy), represented by W. Viscardini, M. Paolin and S. Donà, lawyers, v Commission of the European Communities (Agents: P. Stancanelli, P. Aalto and P. Wölker): Application for annulment of the Commission's decision contained in the letters of 31 July 2000 from the Directorate-General for Agriculture and 5 December 2000 from the Secretary-General of the Commission, by which access to the documents sought by the applicant in connection with the arrangements for importing bananas was partly refused, the Court of First Instance (Fifth Chamber), composed of: R. García-Valdecasas, President, P. Lindh and J.D. Cooke, Judges; J. Palacio González, Principal Administrator, for the Registrar, has given a judgment on 16 October 2003, in which it:

1. *Dismisses the application for annulment of the decision contained in the letter from DG Agriculture of 31 July 2000 as inadmissible.*

2. *Dismisses the rest of the action as unfounded.*
3. *Orders the applicant to bear its own costs, as well as those of the Commission.*

(¹) OJ C 150 of 19.5.2001.

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 23 October 2003

in Case T-255/01: Changzhou Hailong Electronics & Light Fixtures Co. Ltd and Zhejiang Yankon Group Co. Ltd v Council of the European Union (¹)

(Anti-dumping — Determination of normal value — Market-economy treatment — Analogue country — Article 2(7) of Regulation (EC) No 384/96)

(2004/C 7/56)

(Language of the case: English)

In Case T-255/01, Changzhou Hailong Electronics & Light Fixtures Co. Ltd, established at Changzhou (China), Zhejiang Yankon Group Co. Ltd, formerly Zhejiang Sunlight Group Co. Ltd, established at Shangyu (China), represented by P. Bentley QC, and F. Ragolle, lawyer, v Council of the European Union (Agents: S. Marquardt, and G. M. Berrisch), supported by Commission of the European Communities (Agents: V. Kreuzschitz, T. Scharf and S. Meany): Application for annulment of Council Regulation (EC) No 1470/2001 of 16 July 2001 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of integrated electronic compact fluorescent lamps (CFL-i) originating in the People's Republic of China (OJ 2001 L 195, p. 8), the Court of First Instance (Fifth Chamber, Extended Composition), composed of: R. García-Valdecasas, President, P. Lindh, J.D. Cooke, J. Pirrung and H. Legal, Judges; J. Plingers, Administrator, for the Registrar, has given a judgment on 23 October 2003, in which it:

1. *Dismisses the action.*
2. *Orders the applicants to bear their own costs and to pay the costs incurred by the Council.*

3. *Orders the Commission to bear its own costs.*

(¹) OJ C 3 of 5.1.2002.

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 23 October 2003

in Case T-279/01: Giorgio Lebedef v Commission of the European Communities (¹)

(Officials — Staff report — Late preparation — Action for compensation)

(2004/C 7/57)

(Language of the case: French)

In Case T-279/01: Giorgio Lebedef, an official of the Commission of the European Communities, residing in Senningerberg (Luxembourg), represented by G. Bouneou and F. Frabetti, lawyers, with an address for service in Luxembourg, against Commission of the European Communities (Agent: J. Currall) — application, first, for annulment of the Commission's decisions partially rejecting the applicant's complaints seeking damages to compensate him for the non-material damage caused by the delay in the preparation of the staff reports concerning him for the periods 1995/1997 and 1997/1999 and, secondly, for damages to compensate him for that non-material damage — the Court of First Instance (Single Judge: V. Tiili); I. Natsinas, Administrator, for the Registrar, has given a judgment on 23 October 2002, in which it:

1. *Orders the Commission to pay the applicant the sum of EUR 1 500, in addition to the sum of EUR 619,73 already awarded by the Appointing Authority.*
2. *Dismisses the remainder of the action.*
3. *Orders the Commission to pay the costs.*

(¹) OJ C 3 of 5.1.2002.

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 21 October 2003

in Case T-302/01: Gerhard Birkhoff v Commission of the European Communities (¹)

(Officials — Article 2(5) of Annex VII to the Staff Regulations — Cancellation of an allowance for dependent child who has reached majority — Legitimate expectations)

(2004/C 7/58)

(Language of the case: Italian)

In Case T-302/01: Gerhard Birkhoff, former official of the Commission of the European Communities, now retired, residing in Weitnau (Germany), represented by V. Salvatore, lawyer, against Commission of the European Communities (Agents: J. Currall and A. Dal Ferro) — first, an application for annulment of the decision of the appointing authority of 26 September 2001 rejecting the complaint brought by the applicant against the decision of the Commission of 4 July 2001 by which it cancelled payment to the applicant of the dependent child allowance in respect of his daughter and of the decision of 4 July 2001 and, secondly, a claim for compensation for material and non-material damage — the Court of First Instance (Second Chamber), composed of N.J. Forwood, President, J. Pirrung and A.W.H. Meij, Judges; H. Jung, Registrar, gave a judgment on 21 October 2003, in which it:

1. *Annuls the decision of the Commission of 4 July 2001 cancelling, with effect from 1 July 2001, payment of the dependent child allowance in respect of the applicant's daughter who has reached majority.*
2. *Finds that there is no need to adjudicate on the claim for compensation for the damage arising from the loss of cover in respect of the applicant's daughter by the EC Sickness Insurance Fund, nor on the part of the claim seeking compensation for the tax consequences of the contested decision.*
3. *Dismisses the remainder of the claim for compensation.*
4. *Orders the Commission to pay two-thirds of the applicant's costs, including those incurred in the proceedings for interim relief in the present case.*

(¹) OJ C 44 of 16.2.2002.