

COURT OF FIRST INSTANCE

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 14 September 2004

in Case T-156/94: *Siderúrgica Aristrain Madrid SL v Commission of the European Communities* ⁽¹⁾

(ECSC Treaty — Competition — Agreements and concerted practices — European producers of beams — Imputability of the unlawful conduct — Fine — Appeal — Case referred back to the Court of First Instance)

(2004/C 284/28)

(Language of the case: Spanish)

In Case T-156/94: *Siderúrgica Aristrain Madrid SL*, established in Madrid (Spain), represented by A. Creus Carreras and N. Lacalle Mangas, lawyers, with an address for service in Luxembourg, against Commission of the European Communities (Agents: J. Currall and W. Wils, assisted by J. Rivas Andrés and J.J. Gutiérrez Gisbert, lawyers, with an address for service in Luxembourg) — application for annulment of Commission Decision 94/215/ECSC of 16 February 1994 relating to a proceeding pursuant to Article 65 of the ECSC Treaty concerning agreements and concerted practices engaged in by European producers of beams (OJ 1994 L 146, p. 1) — the Court of First Instance (Second Chamber, Extended Composition), composed of J. Pirrung, President, V. Tiili, A.W.H. Meij, M. Vilaras and N.J. Forwood, Judges; B. Pastor, Deputy Registrar, gave a judgment on 14 September 2004, the operative part of which is as follows:

1. *The amount of the fine imposed on the applicant by Article 4 of Commission Decision 94/215/ECSC of 16 February 1994 relating to a proceeding pursuant to Article 65 of the ECSC Treaty concerning agreements and concerted practices engaged in by European producers of beams is fixed at EUR 2 540 000;*
2. *The applicant is ordered to pay 35 % of the costs incurred by it and by the defendant in connection with the proceedings before the Court of First Instance, including the interlocutory proceedings, and also with the proceedings on appeal before the Court of Justice. The defendant is ordered to pay 65 % of the costs incurred by it and by the applicant in connection with the same proceedings.*

⁽¹⁾ OJ C 146 of 28.5.2004.

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 16 September 2004

in Case T-274/01: *Valmont Nederland BV v Commission of the European Communities* ⁽¹⁾

(State aid — Concept — Benefit — Land sale price — Financing for a car park)

(2004/C 284/29)

(Language of the case: Dutch)

In Case T-274/01: *Valmont Nederland BV*, established in Maarheeze (Netherlands), represented by A. Van Landuyt, A. Prompers and G. Van de Wal, lawyers, against Commission of the European Communities (Agents: initially by G. Rozet and H. Speyart, and subsequently by G. Rozet and H. Van Vliet, with an address for service in Luxembourg) — application for the annulment of Commission Decision 2002/142/EC on the State aid implemented by the Netherlands in favour of *Valmont Nederland BV* (OJ 2002 L 48, p. 20), — the Court of First Instance (Fourth Chamber, Extended Composition), composed of H. Legal, President, V. Tiili, A.W.H. Meij, M. Vilaras and N.J. Forwood, Judges; J. Plingers, Administrator, for the Registrar, has given a judgment on 16 September 2004, in which it:

1. *Annuls Commission Decision 2002/142/EC of 18 July 2001 on the State aid implemented by the Netherlands in favour of Valmont Nederland BV;*
2. *Orders the Commission to pay the costs.*

⁽¹⁾ OJ C 3 of 5.1.2002.