

4. *Orders Compañía española para la fabricación de aceros inoxidables SA (Acerinox) to pay the costs of the present proceedings. The costs of the proceedings at first instance leading to the judgment of the Court of First Instance referred to in paragraph 1 of the operative part of this judgment shall be borne in the manner set out in paragraph 3 of the operative part of that judgment.*

(¹) OJ C 109 of 04.05.2002.

2. *Orders ThyssenKrupp Stainless GmbH, ThyssenKrupp Acciai speciali Terni SpA and the Commission of the European Communities to bear their own costs.*

(¹) OJ C 109 of 04.05.2002.

JUDGMENT OF THE COURT

(First Chamber)

of 14 July 2005

in Joined Cases C-65/02 P and C-73/02 P: ThyssenKrupp Stainless GmbH and Others v Commission of the European Communities (¹)

(Appeals — ECSC Treaty — Agreements, decisions and concerted practices — Alloy surcharge — Reduction of the fine — Cooperation in the administrative procedure — Attributability of the infringement — Rights of the defence)

(2005/C 217/05)

(Languages of the case: German and Italian)

In Joined Cases C-65/02 P and C-73/02 P: two appeals under Article 49 of the ECSC Statute of the Court of Justice, brought on 28 February 2002 by ThyssenKrupp Stainless GmbH, formerly Krupp Thyssen Stainless GmbH (Lawyer: M. Klusmann), and by ThyssenKrupp Acciai speciali Terni SpA, formerly Acciai speciali Terni SpA (Lawyers: A. Giardina and G. Di Tommaso), the other party to the proceedings being: Commission of the European Communities (Agents: A. Whelan, assisted by H.-J. Freund, and A. Whelan and V. Superti, assisted by A. Dal Ferro) — the Court (First Chamber), composed of P. Jann, President of the Chamber, A. Rosas, R. Silva de Lapuerta, K. Lenaerts and S. von Bahr (Rapporteur), Judges; P. Léger, Advocate General; R. Grass, Registrar, gave a judgment on 14 July 2005, in which it:

1. *Dismisses the appeals and the cross-appeal;*

JUDGMENT OF THE COURT

(Grand Chamber)

of 12 July 2005

in Case C-304/02: Commission of the European Communities v French Republic (¹)

(Failure of a Member State to fulfil obligations — Fisheries — Control obligations placed on the Member States — Judgment of the Court establishing a breach of obligations — Non-compliance — Article 228 EC — Payment of a lump sum — Imposition of a penalty payment)

(2005/C 217/06)

(Language of the case: French)

In Case C-304/02, **Commission of the European Communities** (Agents: M. Nolin, H. van Lier and T. van Rijn) v **French Republic** (Agents: G. de Bergues and A. Colomb), action under Article 228 EC for failure to fulfil obligations brought on 27 August 2002, the Court (Grand Chamber), composed of V. Skouris, President, P. Jann (Rapporteur) and C.W.A. Timmermans, Presidents of Chambers, C. Gulmann, J.P. Puissochet, R. Schintgen, N. Colneric, S. von Bahr and J.N. Cunha Rodrigues, Judges; L.A. Geelhoed, Advocate General; M. Múgica Arzamendi, Principal Administrator, subsequently M.F. Contet, Principal Administrator, and H. von Holstein, Deputy Registrar, for the Registrar, gave a judgment on 12 July 2005, in which it:

1. *Declares that:*

— *by failing to carry out controls of fishing activities in accordance with the requirements laid down by the Community provisions, and*