

COURT OF FIRST INSTANCE

Judgment of the Court of First Instance of 22 February 2006 — *Le Levant* 001 and Others v Commission

(Case T-34/02) ⁽¹⁾

(State aid — Concept of interested party — Formal notice to submit comments — Decision to open the procedure provided for in Article 88(2) EC — Tax deduction measure for certain overseas investments — Development aid for shipbuilding — Assessment in the light of Article 87(1) EC — Obligation to state reasons)

(2006/C 96/17)

Language of the case: French

Parties

Applicants: EURL *Le Levant* 001 (Paris, France) and the other applicants listed in the Annex to the judgment (represented by: P. Kirch and N. Chahid-Nourai, lawyers)

Defendant: Commission of the European Communities (represented by G. Rozet, acting as Agent)

Re:

Application for annulment of Commission Decision 2001/882/EC of 25 July 2001 on the State aid implemented by France in the form of development assistance for the cruise vessel *Le Levant*, built by Alstom Leroux Naval for operation in Saint-Pierre-et-Miquelon (OJ 2001 L 327, p. 37).

Operative part of the judgment

The Court

1. Annuls Commission Decision 2001/882/EC of 25 July 2001 on the State aid implemented by France in the form of development assistance for the cruise vessel *Le Levant*, built by Alstom Leroux Naval for operation in Saint-Pierre-et-Miquelon;
2. Orders the Commission to bear its own costs and to pay the costs incurred by the applicants, including those relating to the interim proceedings.

⁽¹⁾ OJ 109, 4.5.2002.

Judgment of the Court of First Instance of 23 February 2006 — *Cementbouw Handel & Industrie BV v Commission*

(Case T-282/02) ⁽¹⁾

(Competition — Control of concentration of undertakings — Articles 2, 3 and 8 of Regulation (EEC) No 4064/89 — Concept of concentration — Creation of a dominant position — Authorisation subject to compliance with certain commitments — Principle of proportionality)

(2006/C 96/18)

Language of the case: English

Parties

Applicant: *Cementbouw Handel & Industrie BV* (Le Cruquius, Netherlands) (represented by: W. Knibbeler, O. Brouwer and P. Kreijger, lawyers)

Defendant: Commission of the European Communities (represented by: initially, A. Nijenhuis, K. Wiedner and W. Mölls, and subsequently A. Nijenhuis, E. Gippini Fournier and A. Whelan, acting as Agents)

Application for

annulment of Commission Decision 2003/756/EC of 26 June 2002, relating to a procedure pursuant to Council Regulation (EEC) No 4064/89, declaring a merger to be compatible with the common market and the EEA Agreement (Case COMP/M.2650 — Haniel/Cementbouw/JV (CVK)) (OJ 2003 L 282, p. 1, corrigendum published in OJ 2003 L 285, p. 52)

Operative part of the judgment

The Court:

1. Dismisses the application;
2. Orders the applicant to pay the costs.

⁽¹⁾ OJ C 274 of 9.11.2002.