

COURT OF FIRST INSTANCE

Assignment of Judges to Chambers

(2006/C 131/67)

At its plenary meeting on 8 May 2006, the Court of First Instance decided, following the taking up of his duties by Mr Moavero Milanesi, to amend as follows the decision of the plenary meeting of 7 July 2005 on the assignment of Judges to chambers:

For the period from 8 May 2006 to 30 September 2006, the following are assigned:

to the Fourth Chamber (Extended Composition), sitting with five Judges:

H. Legal, President of the Chamber, P. Lindh, I. Wiszniewska-Bialecka, V. Vadapalas and M. Milanesi, Judges;

to the Fourth Chamber, sitting with three Judges:

H. Legal, President of the Chamber

(a) P. Lindh and V. Vadapalas, Judges

(b) I. Wiszniewska-Bialecka and M. Milanesi, Judges

Judgment of the Court of First Instance of 5 April 2006 — Degussa v Commission(Case T-279/02) ⁽¹⁾

(Competition — Article 81 EC — Cartels — Methionine market — Unique and continuous nature of the infringement — Fine — Guidelines for calculating the amount of fines — Gravity and duration of the infringement — Cooperation during the administrative procedure — Article 15(2) of Regulation No 17/62 — Presumption of innocence)

(2006/C 131/68)

Language of the case: German

Parties

Applicant: Degussa AG (Düsseldorf, Germany) (represented by: R. Bechtold, M. Karl and C. Steinle, lawyers)

Defendant: Commission of the European Communities (represented by: A. Bouquet and W. Mölls, agents, assisted by H.-J. Freund, lawyer)

Intervener in support of the defendant: Council of the European Union (represented by: E. Karlsson and S. Marquardt, agents)

Re:

Primarily, an application for annulment of Commission Decision 2003/674/EC of 2 July 2002 relating to a proceeding pursuant to Article 81 of the EC Treaty and Article 53 of the EEA Agreement (Case C.37.519 — Methionine) (OJ 2003 L 255, p.1) and, in the alternative, an application for reduction of the fine imposed on the applicant by this decision.

Operative part of the judgment

The Court:

1. Reduces to EUR 91 125 000 the fine imposed on the applicant by Article 3 of Commission Decision 2003/674/EC of 2 July 2002 relating to a proceeding pursuant to Article 81 of the EC Treaty and Article 53 of the EEA Agreement (Case C.37.519 — Methionine);
2. Dismisses the remainder of the application;
3. Orders the applicant to pay its own costs and 75 % of the costs incurred by the Commission;
4. Orders the Commission to pay 25 % of its own costs;
5. Orders the Council to pay its own costs.

⁽¹⁾ OJ C 274 of 9.11.2002

Judgment of the Court of First Instance of 5 April 2006 — Deutsche Bahn v Commission(Case T-351/02) ⁽¹⁾

(State aid — Competitor's complaint — Directive 92/81/EEC — Excise duties on mineral oils — Mineral oils used as fuel for the purpose of air navigation — Exemption from duty — Letter from the Commission to a complainant — Action for annulment — Admissibility — Challengeable act — Regulation (EC) No 659/1999 — Concept of aid — Imputability to the State — Equal treatment)

(2006/C 131/69)

Language of the case: German

Parties

Applicant: Deutsche Bahn (Berlin, Germany) (represented by: M. Schütte, M. Reysen and W. Kirchhoff, then M. Schütte and M. Reysen, lawyers)

Defendant: Commission of the European Communities (represented by: V. Kreuschitz and J. Flett, agents)

Intervener in support of the defendant: Council of the European Union (represented by: A.-M. Colaert, F. Florindo Gijón and C. Saile, agents)

Re:

Application for annulment of the Commission's decision of 12 September 2002 rejecting a complaint lodged by the applicant on 5 July 2002.

Operative part of the judgment

The Court:

1. *Rejects the action;*
2. *Orders the applicant to pay the costs;*
3. *Orders the Council to bear its own costs.*

(¹) OJ 2003 C 31, p. 19.

Judgment of the Court of First Instance of 6 April 2006 — Schmitz-Gotha Fahrzeugwerke v Commission

(Case T-17/03) (¹)

(State aid — Guidelines on State aid for rescuing and restructuring firms in difficulty — Necessity of the aid)

(2006/C 131/70)

Language of the case: German

Parties

Applicant: Schmitz-Gotha Fahrzeugwerke GmbH (Gotha, Germany) (represented by: M. Matzat, lawyer)

Defendant: Commission of the European Communities (represented by: V. Kreuschitz and V. di Bucci, Agents)

Re:

Application for annulment of Commission Decision 2003/194/EC of 30 October 2002 on the State aid implemented by Germany for Schmitz-Gotha Fahrzeugwerke GmbH (OJ 2003 L 77, p. 41)

Operative part of the judgment

The Court:

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

(¹) OJ C 124 of 24.5.2003

Judgment of the Court of First Instance of 6 April 2006 — Camós Grau v Commission

(Case T-309/03) (¹)

(Investigation by the European Anti-Fraud Office (OLAF) concerning the management and funding of the Institute for European and Latin American Relations (IRELA) — Potential conflict of interest on the part of an investigator — Removal from the investigating body — Impact on the conduct of the investigation and the content of the report of the investigation — Report terminating the investigation — Action for annulment — Admissibility — Action for damages — Admissibility)

(2006/C 131/71)

Language of the case: French

Parties

Applicant: Manel Camós Grau (Brussels, Belgium) (represented by: M.-A. Lucas, lawyer)

Defendant: Commission of the European Communities (represented by: J.-F. Pasquier and C. Ladenburger, Agents)

Re:

Application, first, for the annulment of the report of the European Anti-Fraud Office (OLAF) of 17 October 2002 terminating the investigation concerning the Institute for European and Latin American Relations (IRELA) and, secondly, for compensation for non-material damage and damage to the applicant's employment prospects claimed to have arisen by virtue of that report

Operative part of the judgment

The Court:

1. *Orders the Commission to pay Mr Camós Grau the sum of EUR 10 000.*