

2. Dismisses the remainder of the action;
3. Orders each party to bear half the costs.

(¹) OJ C 289, 13.10.2001.

Judgment of the Court of First Instance of 13 September 2006 — CAS Succhi di Frutta SpA v Commission

(Case T-226/01) (¹)

(Non-contractual liability — Tendering procedure — Payment in kind — Damage suffered on the market in question due to the payment in kind — Causal link)

(2006/C 281/47)

Language of the case: Italian

Parties

Applicant: CAS Succhi di Frutta SpA (Castagnaro, Italy) (represented by: G. Roberti, F. Sciaudone and A. Franchi, lawyers)

Defendant: Commission of the European Communities (represented by: C. Cattabriga and L. Visaggio, Agents, and A. Dal Ferro, lawyer)

Re:

Application for compensation for the damage allegedly caused by Commission Decisions C (96) 1916 of 22 July 1996 and C (96) 2208 of 6 September 1996, adopted in the context of Commission Regulation (EC) No 228/96 of 7 February 1996 on the supply of fruit juice and fruit jams intended for the people of Armenia and Azerbaijan (OJ 1996 L 30, p. 18).

Operative part of the judgment

The Court:

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

(¹) OJ C 331, 24.11.2001.

Judgment of the Court of First Instance of 13 September 2006 — British Aggregates v Commission

(Case T-210/02) (¹)

(State aid — Environmental tax on aggregates in the United Kingdom — Commission Decision not to raise objections — Action for annulment — Admissibility — Person individually concerned — Selective character — Obligation to state adequate reasons — Diligent and impartial examination)

(2006/C 281/48)

Language of the case: English

Parties

Applicant: British Aggregates Association (Lanark, United Kingdom) (represented by C. Pouncey, Solicitor, and L. Van Den Hende, lawyer)

Defendant(s): Commission of the European Communities (represented by J. Flett and S. Meany, agents)

Interveners in support of the defendant: United Kingdom of Great Britain and Northern Ireland (represented initially by P. Ormond, and subsequently by T. Harris and R. Caudwell, acting as Agents, assisted initially by J. Stratford and M. Hall, Barristers, and subsequently by M. Hall)

Re:

Partial annulment of Commission Decision C (2002) 1478 final of 24 April 2002 on State aid file N 863/01 — United Kingdom/Aggregates Levy

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the applicant to bear its own costs and to pay those of the Commission;
3. Orders the intervener to bear its own costs

(¹) OJ C 219, 14.9.2002