

4. Orders the Commission to pay one tenth of the costs incurred by Archer Daniels Midland Co.;
5. Orders Archer Daniels Midland Co. to pay the remainder of its own costs and the costs incurred by the Commission.

(¹) OJ C 144, 15.6.2002.

Judgment of the Court of First Instance of 27 September 2006 — Haladjian Frères v Commission

(Case T-204/03) (¹)

(Competition — Article 81 EC — Article 82 EC — Distribution of spare parts — Parallel imports — Complaint — Decision rejecting complaint)

(2006/C 294/90)

Language of the case: French

Parties

Applicant: Haladjian Frères (Sorgues, France) (represented by: N. Coutrelis, lawyer)

Defendant: Commission of the European Communities (represented by: A. Whelan and O. Beynet, Agents, assisted by D. Waelbroeck, lawyer)

Interveners in support of the defendant: Caterpillar, Inc. (Peoria, Illinois, United States) and Caterpillar Group Services SA (Charleroi, Belgium) (represented by: initially N. Levy, Solicitor, and S. Kingston, Barrister, then N. Levy and T. Graf, lawyer)

Re:

Application for annulment of the Commission's decision of 1 April 2003 rejecting the complaint alleging infringements of Articles 81 EC and 82 EC lodged by Haladjian Frères SA against Caterpillar, Inc.

Operative part of the judgment

The Court:

1. Dismisses the application;
2. Orders the applicant to bear its own costs and to pay the costs incurred by the Commission and the interveners.

(¹) OJ C 200, 23.8.2003.

Judgment of the Court of First Instance of 27 September 2006 — Werkgroep Commerciële Jachthavens Zuidelijke Randmeren and Others v Commission of the European Communities

(Case T-117/04) (¹)

(State aid — Aid awarded by the Netherlands authorities to non-profit-making marinas — Action for annulment — Admissibility)

(2006/C 294/91)

Language of the case: Dutch

Parties

Applicants: Vereniging Werkgroep Commerciële Jachthavens Zuidelijke Randmeren (Zeewolde, Netherlands); Jachthaven Zijl Zeewolde BV (Zeewolde); Maatschappij tot exploitatie van onroerende goederen Wolderwijd II BV (Zeewolde); Jachthaven Strand-Horst BV (Ermelo, Netherlands); Recreatiegebied Erkemederstrand vof (Zeewolde); Jachthaven- en Campingbedrijf Nieuwboer BV (Bunschoten-Spakenburg, Netherlands); Jachthaven Naarden BV (Naarden, Netherlands), (represented by: T. Ottervanger, A. Bijleveld and A. van den Oord, lawyers)

Defendant: Commission of the European Communities (represented by: H. van Vliet, A. Bouquet and A. Nijenhuis, Agents)

Intervener in support of the defendant: Kingdom of the Netherlands, represented by H. Sevenster and M. de Grave, Agents,

Re:

Application for annulment of Commission Decision 2004/114/EC of 29 October 2003 concerning aid measures implemented by the Netherlands in favour of non-profit harbours for recreational crafts (OJ 2004 L 34, p. 63).

Operative part of the judgment

The Court:

1. Dismisses the action as inadmissible.
2. Orders the applicants to bear their own costs as well as those incurred by the Commission. The Kingdom of the Netherlands shall bear its own costs.

(¹) OJ C 118, 30.4.2004.