

Judgment of the Court of First Instance of 12 December 2006 — Asociación de Estaciones de Servicio de Madrid and Federación Catalana de Estaciones de Servicio v Commission

(Case T-146/03) ⁽¹⁾

(State aid — Spanish law providing for measures in favour of the agricultural sector following the increase in fuel prices — Formal examination procedure provided for by Article 88(2) EC — Decision declaring that certain measures did not constitute aid — Action for annulment — Admissibility — Standing to bring proceedings — Duty to state reasons)

(2006/C 331/70)

Language of the case: Spanish

Parties

Applicants: Asociación de Empresarios de Estaciones de Servicio de la Comunidad Autónoma de Madrid (Madrid, Spain) and Federación Catalana de Estaciones de Servicio (Barcelona, Spain) (represented by: R. Ortega Bueno and M. Delgado Echevarría, lawyers)

Defendant: Commission of the European Communities (represented by: originally by J.L. Buendía Sierra, and subsequently by J.R. Vidal Puig)

Intervener in support of the defendant: Kingdom of Spain (represented by: E. Braquehais Conesa, lawyer, and M. Muñoz Pérez, Agent)

Re:

Application for partial annulment of Commission Decision 2003/293/EC of 11 December 2002 on the measures implemented by Spain in the agricultural sector following the increase in fuel prices (OJ 2003 L 111, p. 24)

Operative part of the judgment

The Court:

1. Declares that Article 1 of Commission Decision of 11 December 2002 on the measures implemented by Spain in the agricultural sector following the increase in fuel prices is annulled in so far that it finds that the measures to support agricultural cooperatives provided for by Royal Decree Law 10/2000 de medidas urgentes de apoyo a los sectores agrario, pesquero y del transporte (Decree Law on emergency support for agriculture, fisheries and transport) do not constitute aid within the meaning of Article 87(1) EC.
2. Orders the Commission to bear its own costs and to pay those incurred by the applicants.
3. Orders the Kingdom of Spain to bear its own costs.

⁽¹⁾ OJ C 171, of 19.7.2003.

Judgment of the Court of First Instance of 13 December 2006 — FNCBV and Others v Commission

(Joined Cases T-217/03 and T-245/03) ⁽¹⁾

(Competition — Article 81(1) EC — Beef and veal — Suspension of imports — Fixing of a trade union price scale — Regulation No 26 — Associations of undertakings — Restriction of competition — Trade union action — Affecting of trade between Member States — Duty to state reasons — Guidelines on the method of setting fines — Principle of proportionality — Gravity and duration of the infringement — Aggravating and mitigating circumstances — Non-aggregation of penalties — Rights of the defence)

(2006/C 331/71)

Language of the case: French

Parties

Applicants: in Case T-217/03, Fédération nationale de la coopération bétail et viande (FNCBV) (Paris, France) (represented by: R. Collin, M. Ponsard and N. Decker, lawyers), and in Case T-245/03, Fédération nationale des syndicats d'exploitants agricoles (FNSEA) (Paris); Fédération nationale bovine (FNB) (Paris); Fédération nationale des producteurs de lait (FNPL) (Paris); and Jeunes agriculteurs (JA) (Paris) (represented by: B. Neouze and V. Ledoux, lawyers)

Defendant: Commission of the European Communities (represented by: P. Oliver, A. Bouquet and O. Beynet, Agents)

Intervener in support of the applicants: French Republic (represented by: initially G. de Bergues, F. Million and R. Abraham, subsequently G. de Bergues, E. Belliard and S. Ramet, lawyers)

Re:

Applications for annulment of Commission Decision 2003/600/EC of 2 April 2003 relating to a proceeding pursuant to Article 81 of the EC Treaty (Case COMP/C.38.279/F3 — French beef) (OJ 2003 L 209, p. 12) and, in the alternative, for cancellation or reduction of the fines thereby imposed.

Operative part of the judgment

The Court:

1. Sets the amount of the fine imposed on the Fédération nationale de la coopération bétail et viande, the applicant in Case T-217/03, at EUR 360 000;
2. Sets the amount of the fines imposed on the applicants in Case T-245/03 at EUR 9 000 000 for the Fédération nationale des syndicats d'exploitants agricoles, EUR 1 080 000 for the Fédération nationale bovine, EUR 1 080 000 for the Fédération nationale des producteurs de lait and EUR 450 000 for the Jeunes agriculteurs;
3. Dismisses the remainder of the application;