

Action brought on 14 December 2006 — Commission of the European Communities v Republic of Malta

(Case C-508/06)

(2007/C 56/26)

Language of the case: English

Parties

Applicant: Commission of the European Communities (represented by: M. Konstantinidis and D. Lawunmi, Agents)

Defendant: Republic of Malta

The applicant claim that the Court should:

— declare that the Maltese authorities have failed to fulfil their obligations under Article 11 of Council Directive 96/59/EC⁽¹⁾ as read in conjunction with Article 54 of the 2003 Act of Accession.

— order Republic of Malta to pay the costs.

Pleas in law and main arguments

The time limit within which the Republic of Malta was required to have communicated the plans and outlines under article 11 of the directive expired on 1 May 2004.

⁽¹⁾ OJ L 243, p. 31.

Appeal brought on 15 December 2006 by Akzo Nobel NV against the judgment of the Court of First Instance (Third Chamber) of 27 September 2006 in Case T-330/01 Akzo Nobel NV v Commission

(Case C-509/06 P)

(2007/C 56/27)

Language of the case: Dutch

Parties

Appellant: Akzo Nobel NV (represented by: C. Swaak, advocaat)

Other party to the proceedings: Commission of the European Communities

Form of order sought

- Set aside the judgment delivered by the Court of First Instance (CFI) on 27 September 2006 in Case T-330/01;
- Annul Articles 3 and 4 of Commission Decision C(2001) 2931 final of 2 October 2001;
- Order the Commission to pay the costs of the present appeal.

Pleas in law and main arguments

- (1) The CFI appears to have erred in law in finding that liability for an infringement committed by a Community undertaking can be attributed not only to its parent companies but also — and primarily — to the head holding company which indirectly holds the shares in one of the two parent companies.
- (2) The CFI appears to have erred in law in forming the view that arguments which were not raised in the course of the administrative procedure before the Commission may not be invoked for the first time before the CFI.

Appeal brought on 15 December 2006 by Archer Daniels Midland Co. against the judgment of the Court of First Instance (Third Chamber) delivered on 27 September 2006 in Case T-329/01: Archer Daniels Midland Company v Commission of the European Communities

(Case C-510/06 P)

(2007/C 56/28)

Language of the case: English

Parties

Appellant: Archer Daniels Midland Co. (represented by: C. Lenz, Prof. Dr., L. Alegi, E. Batchelor and M. Garcia, Solicitors)

Other party to the proceedings: Commission of the European Communities

Form of order sought

The applicant claims that the Court should:

- i) set aside the Judgment in so far as it dismisses the application brought by ADM in respect of the Decision;
- ii) annul Article 3 of the Decision insofar as it pertains to ADM;
- iii) in the alternative to (ii), modify Article 3 of the Decision to reduce further or cancel the fine imposed on ADM;