

**Re:**

APPLICATION for annulment of Commission Decision C(2002) 5087 final of 17 December 2002, relating to a proceeding under Article 65 CS (Case COMP/37.956 — Reinforcing bars).

**Operative part**

The Court:

1. Annuls Commission Decision C(2002) 5087 final of 17 December 2002 relating to a proceeding under Article 65 CS (Case COMP/37.956 — Reinforcing bars) with regard to Riva Acciaio SpA;
2. Orders the Commission to bear its own costs and to pay those incurred by Riva Acciaio;
3. Orders the Italian Republic to bear its own costs.

**Judgment of the Court of First Instance (Fifth Chamber, Extended Composition) of 25 October 2007 — Feralpi Siderurgica v Commission**

**(Case T-77/03)**

Agreements, decisions and concerted practices — Producers of reinforcing bars — Decision establishing an infringement of Article 65 CS — Decision based on the ECSC Treaty after expiry of that treaty — Lack of competence of the Commission

1. *ECSC — Agreements, decisions and concerted practices — Commission decision establishing an infringement of Article 65 CS after the expiry of that treaty (Art. 65(1), (4) and (5) CS; Council Regulation No 17, Arts 3 and 15(2)) (see paras 55, 57, 72, 73, 77)*
  
2. *ECSC — Agreements, decisions and concerted practices — Commission's competence under Article 65(4) and (5) CS to establish and penalise an infringement of Article 65(1) CS — Disappearance on expiry of the ECSC Treaty (Arts 65(1), (4) and (5) CS and 97 CS; Art. 305(1) EC; Merger Treaty) (see paras 89-92, 94, 96)*

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3. Orders the Italian Republic to bear its own costs.