

**Operative part of the judgment**

The Court:

1. Annuls the Commission's decision of 3 February 2005 inasmuch as it refused access to documents, 'TAXUD/1369/2003' relating to home cinema, 'TAXUD/974/2004' relating to vehicles for dual use, 'TAXUD/1342/2003', 'TAXUD/2465/2004' and 'TAXUD/2495/2004' relating to power supply units, 'XXI/770/1998' relating to incomplete ADP machines, and to the minutes of the September 2004 meeting of the Working Group of the 'Tariff and Statistical Nomenclature Section (Mechanical/Miscellaneous)' of the Customs Code Committee (document 'TAXUD/3010/2004 — Annex V');
2. Declares that there is no need to adjudicate on the remainder of the action;
3. Orders the Commission to pay the costs incurred by Mr Pablo Muñiz.

(<sup>1</sup>) OJ C 132, 28.5.2005.

**Judgment of the Court of First Instance of 18 December 2008 — Componenta v Commission**

(Case T-455/05) (<sup>1</sup>)

*(State aid — Metallurgy sector — Acquisition of a shareholding held by an undertaking in a property company and repayment of a loan by that undertaking to the property company in consideration for an investment in that undertaking — Decision declaring the aid incompatible with the common market and ordering its recovery — Private investor test — Valuation of the shares in a property company — Valuation of the real property assets of a company — Duty to state the reasons for the decision — Finding of the Court of its own motion)*

(2009/C 44/71)

Language of the case: Finnish

**Parties**

*Applicant:* Componenta Oyj (Helsinki, Finland) (represented by: M. Savola and A. Järvinen, lawyers)

*Defendant:* Commission of the European Communities (represented by: C. Giolito and M. Huttunen, Agents)

*Intervener in support of the applicant:* Republic of Finland (represented by: E. Bygglin, A. Guimaraes-Purokoski and J. Heliskoski, Agents)

**Re:**

Application for annulment of Commission Decision 2006/900/EC of 20 October 2005 on the State Aid imple-

mented by Finland for investment aid to Componenta Corporation (OJ 2006 L 353, p. 36)

**Operative part of the judgment**

The Court:

1. Annuls Commission Decision 2006/900/EC of 20 October 2005 on the State Aid implemented by Finland for investment aid to Componenta Corporation;
2. Orders the Commission to bear its own costs and pay Componenta's costs;
3. Orders the Republic of Finland to bear its own costs.

(<sup>1</sup>) OJ C 48, 25.2.2006.

**Judgment of the Court of First Instance of 18 December 2008 — General Química v Commission**

(Case T-85/06) (<sup>1</sup>)

*(Competition — Agreements, decisions and concerted practices — Rubber chemicals sector — Decision finding an infringement of Article 81 EC — Exchange of confidential information and price fixing — Imputation to parent company — Joint and several liability — Fines — Leniency notice)*

(2009/C 44/72)

Language of the case: Spanish

**Parties**

*Applicants:* General Química, SA (Alava, Spain); Repsol Química, SA (Madrid, Spain); and Repsol YPF, SA (Madrid) (represented by: J.M. Jiménez Laiglesia Oñate and J. Jiménez Laiglesia Oñate, lawyers)

*Defendant:* Commission of the European Communities (represented by: F. Castillo de la Torre and F. Amato, then by F. Castillo de la Torre, Agents)

**Re:**

Application for partial annulment of Commission Decision 2006/902/EC of 21 December 2005 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement against Flexsys NV, Bayer AG, Crompton Manufacturing Company Inc. (former Uniroyal Chemical Company Inc.), Crompton Europe Ltd, Chemtura Corporation (former Crompton Corporation), General Química SA, Repsol Química SA and Repsol YPF SA (Case No COMP/F/C.38.443 — Rubber chemicals) (OJ 2006 L 353, p. 50), and, alternatively, the reduction of the fine imposed on the applicants

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders General Química, SA, Repsol Química, SA and Repsol YPF, SA to bear their own costs and pay the Commission's costs.

(<sup>1</sup>) OJ C 131, 3.6.2006.

**Judgment of the Court of First Instance of 18 December 2008 — Torres v OHIM — Bodegas Cándido (TORRE DE FRIAS)**

(Case T-285/06) (<sup>1</sup>)

*(Community trade mark — Opposition procedure — Application for Community word mark TORRE DE FRIAS — Earlier national and international word marks TORRES and LAS TORRES — Relative ground for refusal — No likelihood of confusion)*

(2009/C 44/73)

Language of the case: Spanish

**Parties**

*Applicant:* Miguel Torres, SA (Vilafranca del Penedés, Spain) (represented by: E. Armijo Chávarri, M. Baz de San Ceferino and A. Castán Pérez-Gómez, lawyers)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: O. Mondéjar Ortuño and J. García Murillo, Agents)

*Other party to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance:* Bodegas Cándido, SA (Burgos, Spain) (represented by: C. Hernández Hernández, lawyer)

**Re:**

Action brought against the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 27 July 2006 (Case R-1069/2004-2) relating to opposition proceedings between Miguel Torres, SA and Bodegas Cándido, SA.

**Operative part of the judgment**

The Court:

1. Dismisses the action;

2. Orders Miguel Torres, SA to pay the costs.

(<sup>1</sup>) OJ C 310, 16.12.2006.

**Judgment of the Court of First Instance of 18 December 2008 — Torres v OHIM — Vinícola de Tomelloso (TORRE DE GAZATE)**

(Case T-286/06) (<sup>1</sup>)

*(Community trade mark — Opposition procedure — Application for Community word mark TORRE DE GAZATE — Earlier national and international word marks TORRES and LAS TORRES — Relative ground for refusal — No likelihood of confusion)*

(2009/C 44/74)

Language of the case: Spanish

**Parties**

*Applicant:* Miguel Torres, SA (Vilafranca del Penedés, Spain) (represented by: E. Armijo Chávarri, M. Baz de San Ceferino and A. Castán Pérez-Gómez, lawyers)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: O. Mondéjar Ortuño and J. García Murillo, Agents)

*Other party to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance:* Vinícola de Tomelloso, SCL (Tomelloso, Spain) (represented by: J. Casajuana Espinosa, lawyer)

**Re:**

Action brought against the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 27 July 2006 (Case R-421/2004-2) relating to opposition proceedings between Miguel Torres, SA and Vinícola de Tomelloso, SCL.

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Miguel Torres, SA to pay the costs.

(<sup>1</sup>) OJ C 310, 16.12.2006.