



TRIBUNAL DE PRIMERA INSTANCIA DE LAS COMUNIDADES EUROPEAS  
SUD PRVNÍHO STUPNĚ EVROPSKÝCH SPOLEČENSTVÍ  
DE EUROPÆISKE FÆLLESSKABERS RET I FØRSTE INSTANS  
GERICHT ERSTER INSTANZ DER EUROPÄISCHEN GEMEINSCHAFTEN  
EUROOPA ÜHENDUSTE ESIMESE ASTME KOHUS  
ΠΡΩΤΟΔΙΚΕΙΟ ΤΩΝ ΕΥΡΩΠΑΪΚΩΝ ΚΟΙΝΟΤΗΤΩΝ  
COURT OF FIRST INSTANCE OF THE EUROPEAN COMMUNITIES  
TRIBUNAL DE PREMIÈRE INSTANCE DES COMMUNAUTÉS EUROPÉENNES  
CÚIRT CHÉADCHÉIME NA GCOMHPHOBAL EORPACH  
TRIBUNALE DI PRIMO GRADO DELLE COMUNITÀ EUROPEE  
EIROPAS KOPIENU PIRMĀS INSTANCES TIESA

EUROPOS BENDRIŲ PIRMOSIOS INSTANCIJOS TEISMAS  
EURÓPAI KÖZÖSSÉGEK ELSŐFOKÚ BÍRÓSÁGA  
IL-QORT TAL-PRIMIĪSTANZA TAL-KOMUNITAJIET EWROPEJ  
GERECHT VAN EERSTE AANLEG VAN DE EUROPESE GEMEENSCHAPPEN  
SĄD PIERWSZEJ INSTANCJI WSPÓLNOT EUROPEJSKICH  
TRIBUNAL DE PRIMEIRA INSTÂNCIA DAS COMUNIDADES EUROPEIAS  
SÚD PRVÉHO STUPŇA EURÓPSKÝCH SPOLOČENSTIEV  
SODIŠČE PRVE STOPNJE EVROPSKIH SKUPNOSTI  
EUROOPAN YHTEISÖJEN ENSIMMÄISEN OIKEUSASTEEN TUOMIOISTUIN  
EUROPEISKA GEMENSKAPERNAS FÖRSTAINSTANSRÄTT

## Press and Information

### **PRESS RELEASE No° 80/06**

27 September 2006

Judgment of the Court of First Instance in Joined Cases T-44/02 OPPO, T-54/02 OPPO, T-56/02 OPPO, T-60/02 OPPO and T-61/02 OPPO

*Dresdner Bank and Others v Commission of the European Communities*

### **THE COURT CONFIRMS THE ANNULMENT OF A COMMISSION DECISION FINING FIVE GERMAN BANKS**

*The Commission's application to set aside judgments by default, which annulled its decision, is rejected on the ground that the Commission had not proved to the requisite legal standard that there was an agreement on charges for exchanging euro-zone currencies*

On 11 December 2001 the Commission imposed fines totalling more than EUR 100 million on five German banks which it claimed had fixed the rate of commission on the purchase and sale of euro-zone banknotes at approximately 3% during the transitional period<sup>1</sup> preceding the introduction of the fiduciary euro.

In 2002 those banks challenged that decision by bringing actions before the Court of First Instance. As the Commission failed to lodge a defence to those actions within the prescribed period, the Court ruled on the merits of the actions purely on the basis of the applications. By judgments by default delivered on 14 October 2004, the Court upheld the banks' actions on the basis of a plea alleging that the evidence adduced by the Commission was insufficient; it did not rule on the other pleas submitted. The Commission applied to have those judgments set aside.

In today's judgment the Court first of all rejects the arguments of two applicants which disputed the admissibility of the Commission's application. The Court states that the Commission is, in principle, free to develop arguments in its application and may therefore comment on pleas that were not examined in the judgments by default.

Nevertheless, on the merits, the Court's re-examination of the actions was confined to the plea examined in those judgments. Finding that the existence of the alleged agreement had not been proved by the Commission to the requisite legal standard, the Court dismissed the

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<sup>1</sup> From 1 January 1999 to 1 January 2002.

Commission's application without considering the other pleas in the actions and thus confirmed its judgments by default.

**REMINDER: An appeal, limited to points of law only, may be brought before the Court of Justice of the European Communities against a decision of the Court of First Instance, within two months of its notification.**

*Unofficial document for media use, not binding on the Court of First Instance.*

*Languages available: CS DE EL EN ES HU IT FR NL PL SK SL*

*The full text of the judgment may be found on the Court's internet site*

*<http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=EN&Submit=rechercher&numaff=T-44/02>*

*It can usually be consulted after midday (CET) on the day judgment is delivered.*

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