



LUXEMBOURG

ПЪРВОИНСТАНЦИОНЕН СЪД НА ЕВРОПЕЙСКИТЕ ОБЩНОСТИ
 TRIBUNAL DE PRIMERA INSTANCIA DE LAS COMUNIDADES EUROPEAS
 SOUD 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 GCÓMHPHOBAL EORPACH
 TRIBUNALE DI PRIMO GRADO DELLE COMUNITÀ EUROPEE
 EIROPAS KOPIENU PIRMĀS INSTANČES TIESA

EUROPOS BENDRIŲ PIRMOSIOS INSTANCIJOS TEISMAS
 Az Európai Közösségek Elsőfokú Bírósága
 IL-QORTI TAL-PRIMISTANZA TAL-KOMUNITAJIET EWROPEJ
 GERECHT VAN EERSTE AANLEG VAN DE EUROPESE GEMEENSCHAPPEN
 SĄD PIERWSZEJ INSTANCIJ WSPÓLNOT EUROPEJSKICH
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 SÚD PRVÉHO STUPŇA EURÓPSKÝCH SPOLEČENSTEV
 SODIŠČE PRVE STOPNJE EVROPSKIH SKUPNOSTI
 EUROOPAN YHTEISÖJEN ENSIMMÄISEN OIKEUSASTEEN TUOMIOISTUIN
 EUROPEISKA GEMENSKAPERNAS FÖRSTAINSTANSRÄTT

Press and Information

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Judgments of the Court of First Instance in Joined Cases T-27/03, T-80/03, T-46/03, T-58/03, T-79/03, T-97/03 and T-98/03, and in Cases T-45/03, T-77/03 and T-94/03

SP SpA and Others v Commission of the European Communities

THE COURT OF FIRST INSTANCE ANNULS THE FINES IMPOSED BY THE COMMISSION ON PRODUCERS OF REINFORCING BARS

Following the expiry of the ECSC Treaty, the Commission is no longer competent to adopt a decision based exclusively on a provision of that Treaty

On 17 December 2002, the Commission adopted a decision with regard to several Italian producers of reinforcing bars, on the basis of the ECSC Treaty. It found that eleven undertakings had implemented – between 1989 and 2000 – a single, complex and continuous restrictive practice on the Italian market for concrete reinforcing bars in bar and coil having as its object the fixing of prices and a restriction or control of output and sales.

The decision imposed the following fines on the undertakings:

	Case No	Undertaking	FINES (in millions of €)	TOTAL FINE (in millions of €)
Joined Cases	T-27/03	SP SpA (Brescia - Italy)	16.14	85.04
	T-80/03	Lucchini SpA (Milan)		
	T-46/03	Leali SpA (Odolo - Brescia)	1.082	
	T-58/03	Acciaierie e Ferriere Leali Luigi SpA (Brescia)	6.93	
	T-79/03	Industrie Riunite Odolesi SpA (IRO) (Odolo)	3.58	
	T-97/03	Ferriera Valsabbia SpA (Odolo)	10.25	
		Valsabbia Investimenti SpA (Odolo)		
T-98/03	Alfa Acciai SpA, (Brescia)	7.175		

T-45/03	Riva Acciaio SpA (Milan)	26.9	
T-77/03	Feralpi Siderurgica SpA (Brescia)	10.25	
T-94/03	Ferriere Nord SpA (Osoppo-Udine)	3.57	

The undertakings thereupon brought actions before the Court of First Instance of the European Communities seeking annulment of the decision. They all – in substance – asserted that the Commission lacked competence to establish an infringement of the ECSC Treaty at the time when the decision was adopted and in particular after 23 July 2002, the date of expiry of the ECSC Treaty.

The Court points out first that the Community treaties established a new legal order, for the benefit of which the States have limited their sovereign rights in certain fields. Within that Community legal order the institutions have conferred powers only and, for that reason, Community measures refer to the legal basis which enables the institution concerned to act in the field in question.

The Court makes clear that the **provision constituting the legal basis of a measure** and enabling the Community institution to adopt it **must be in force at the very time of its adoption**. By contrast, the principles governing the succession of legal rules may lead to the application of substantive provisions which are no longer in force at the time of the adoption of an act by a Community institution.

Article 65 of the ECSC Treaty was the exclusive legal basis of the Commission's decision. That provision was however no longer in force when the decision was adopted.

For that reason the Court declares the Commission decision to be unlawful and annuls it.

All the fines imposed are therefore annulled.

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: EN FR IT

The full texts of the judgments may be found on the Court's internet site:

<http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=EN&Submit=rechercher&numaff=T-27/03>

<http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=EN&Submit=rechercher&numaff=T-45/03>

<http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=EN&Submit=rechercher&numaff=T-77/03>

<http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=EN&Submit=rechercher&numaff=T-94/03>

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

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