

**Order of the Court of First Instance (Third Chamber) of 12 December 2007 —
Atlantic Container Line and Others v Commission**

(Case T-113/04)

Enforcement of a judgment of the Court of First Instance — Repayment of the costs of bank guarantees provided in order to defer payment of a fine imposed by the Commission and subsequently annulled by the Court of First Instance — Action for annulment and damages — Non-contractual liability of the Community — No direct causal link between the allegedly unlawful conduct of the institution and the damage claimed

1. *Actions for annulment — Judgment annulling a measure — Effects — Obligation to implement — No remedy based on Articles 220 EC and 233 EC — Possibility for parties to argue their rights on the basis of Articles 230 EC and 232 EC (Arts 220 EC, 230 EC, 232 EC and 233 EC) (see paras 22, 23)*

2. *Non-contractual liability — Conditions — Unlawfulness — Damage — Causal link — Meaning — Costs of a bank guarantee arising from an undertaking's choice not to pay the fine imposed by the Commission — No direct causal link (EC Treaty, Arts 185 and 192, first para. (now Arts 242 EC and 256, first para., EC); Art. 288, second para., EC) (see paras 31-40)*

3. *Actions for annulment — Judgment annulling a measure — Effects — Judgment annulling the fine imposed on an undertaking for infringement of the competition rules or reducing the amount of the fine — Obligation to implement — Scope — Repayment of the sum unduly paid and payment of default interest — Included — Costs of bank guarantee — Not included (Art. 233 EC) (see paras 58-65)*

Re:

APPLICATION, first, for annulment of the Commission letter of 6 January 2004 refusing to repay the costs of the bank guarantees which the applicants entered into following the imposition of fines by Commission Decision 1999/243/EC of

16 September 1998 relating to a proceeding pursuant to Articles 85 and 86 of the EC Treaty (now Articles 81 EC and 82 EC) (Case No IV/35.134 — Trans-Atlantic Conference Agreement) (OJ 1999 L 95, p. 1), annulled by judgment of the Court of First Instance of 30 September 2003 in Joined Cases T-191/98 and T-212/98 to T-214/98 *Atlantic Container Line and Others v Commission* [2003] ECR II-3275, and, secondly, for damages seeking repayment of those costs.

Operative part

The Court:

1. Dismisses the action;
2. Orders the applicants to pay the costs.

Judgment of the Court of First Instance (Second Chamber, Extended Composition) of 12 December 2007 — Ireland and Others v Commission

(Joined Cases T-50/06, T-56/06, T-60/06, T-62/06 and T-69/06)

State aid — Directive 92/81/EEC — Excise duty on mineral oils — Mineral oils used as fuel for the production of alumina — Exemption granted by the French, Irish and Italian authorities — New aid — Existing aid — Duty to state reasons — Finding of the Court of its own motion

State aid — Commission decision finding aid to be incompatible with the common market — Decision concerning an exemption from excise duty authorised by the Council on a proposal from the Commission in accordance with Directive 92/81 —