

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 —*

*No examination of possible classification as existing aid — Lack of reasoning (Arts 88(1) and (2) EC and 253 EC; Council Regulation No 659/1999, Art. 1(b)(v); Council Directive 92/81, Art. 8(4)) (see paras 52-64)*

**Re:**

ACTIONS for annulment of Commission Decision 2006/323/EC of 7 December 2005 on the exemption from excise duty on mineral oils used as fuel for alumina production in the Gardanne region, the Shannon region and Sardinia, implemented by France, Ireland and Italy respectively (OJ 2006 L 119, p. 12).

**Operative part**

The Court:

1. Joins Cases T-50/06, T-56/06, T-60/06, T-62/06 and T-69/06 for the purposes of the judgment;
2. Annuls Commission Decision 2006/323/EC of 7 December 2005 concerning the exemption from excise duty on mineral oils used as fuel for alumina production in Gardanne, in the Shannon region and in Sardinia respectively implemented by France, Ireland and Italy;
3. Dismisses the remainder of the action in Case T-62/06;
4. Orders the Commission to bear its own costs and to pay those of the applicants, including the costs of the interim proceedings in Case T-69/06 R.