

Case T-354/00

Métropole Télévision SA (M6)

v

Commission of the European Communities

(Competition — Rejection of a complaint — Objection of inadmissibility —
Decision confirming a contested decision within the prescribed period —
Inadmissibility)

Order of the Court of First Instance (Second Chamber), 25 October 2001 II-3179

Summary of the Order

Actions for annulment — Action contesting a decision which merely confirms a previous decision — Claims directed against both a confirmed decision and a confirmatory decision in the same action — Admissible in certain circumstances — Two separate actions challenging the confirmed decision and the confirmatory decision — Inadmissible (Art. 230, fourth para., EC)

While it is true that the concept of a confirmatory act has been developed in case-law in particular in order to prevent the bringing of an action which would have the effect of causing expired limitation periods to begin to run again — and that, consequently, in situations where there has been no such circumvention of the time-limits for bringing an action, the Community judicature has on some occasions acknowledged the admissibility of claims directed against both a confirmed decision and a confirmatory decision in the same

action — that solution cannot be applied where the confirmed decision and the confirmatory decision are contested in two separate actions and the applicant can defend his point of view and put his arguments in the first action.

(see paras 34-35)