

## Operative part

The Court:

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

**Order of the President of the Court of First Instance of 18 June 2007 —  
Italy v Commission  
(Case T-431/04 R)**

Interim relief — Application for interim measures — Regulation (EC) No 1429/2004 — Common organisation of the market in wine — System for the use of names of vine varieties and their synonyms — Use limited in time — Application devoid of purpose

1. *Applications for interim measures — Interim measures — Conditions for granting — Urgency — ‘Prima facie case’ — Cumulative nature — Weighing-up of all the interests at stake (Art. 243 EC; Rules of Procedure of the Court of First Instance, Art. 104(2)) (see paras 22, 23)*
2. *Applications for interim measures — Interest in bringing proceedings (Arts 242 EC and 243 EC) (see paras 26, 33, 34)*

**Re:**

APPLICATION for interim measures seeking, principally, a stay of execution until delivery of the judgment by the Court of Justice in Joined Cases C-23/07 and C-24/07 of the provision limiting to 31 March 2007 the right to use the name ‘tocai friulano’, which name appears in the form of an explanatory note to Point 103 of

Annex I to Commission Regulation (EC) No 1429/2004 of 9 August 2004 amending Regulation (EC) No 753/2002 laying down certain rules for applying Council Regulation (EC) No 1493/1999 as regards the description, designation, presentation and protection of certain wine sector products (OJ 2004 L 263, p. 11), and, as a subsidiary plea, a stay of execution of that provision within the territory of the Italian Republic until delivery of the judgment by the Court of Justice in Joined Cases C-23/07 and C-24/07, together with a prohibition of exports of production in the Community and without prejudice to the marketing of Hungarian-produced wine bearing the name 'tokaj' or homonyms thereof accepted for marketing in Italy and in the Community.

### **Operative part**

The Court:

1. Dismisses the application for interim measures;
2. Reserves the costs.

### **Judgment of the Court of First Instance (Second Chamber) of 20 June 2007 — Tirrenia di Navigazione and Others v Commission (Case T-246/99)**

State Aid — Maritime transport — Decision to initiate the procedure under Article 88(2) EC — New aid — Existing aid

1. *Actions for annulment — Subject-matter (Art. 88(2), first para., and (3) EC; Council Regulation No 659/1999, Arts 7(2) to (5) and 14; Commission Decisions Nos 2001/851 and 2005/163) (see paras 43-45)*
2. *Procedure — Introduction of new pleas during the proceedings (Rules of Procedure of the Court of First Instance, Art. 48(2)) (see paras 56, 58, 59)*