Re:

Appeal brought against the judgment of the Court of First Instance (Eighth Chamber, Extended Composition) of 11 June 2009 in Case T-301/02 *AEM* v *Commission* by which that court dismissed the action brought for annulment of Articles 2 and 3 of Commission Decision 2003/193/EC of 5 June 2002 on State aid granted by Italy in the form of tax exemptions and subsidised loans to public utilities with a majority public capital holding (OJ 2003 L 77, p. 21).

Operative part

The Court:

1. Dismisses the main appeal and the cross-appeal;

2. Orders A2A SpA to pay the costs of the main appeal;

3. Orders the European Commission to pay the costs of the cross-appeal.

Judgment of the Court (Sixth Chamber) of 21 December 2011 — Iride, formerly Azienda Mediterranea Gas e Acqua v Commission

(Case C-329/09 P)

(Appeal — State aid — Aid granted to public utilities — Tax exemptions — Decision declaring the aid scheme incompatible with the common market — Action for annulment — Admissibility — Standing — Legal interest in bringing proceedings)

1. *Appeals — Grounds — Mistaken assessment of the facts — Inadmissibility — Review by the Court of the assessment of the facts and evidence — Possible only where the clear sense of the evidence has been distorted (Art. 225 EC; Statute of the Court of Justice, Art. 58, first para.) (see paras 34-36)*

2. *Appeals — Classification of an application made by the respondent seeking only the replacement of grounds — Application inadmissible if there is no legal interest in bringing proceedings (see para. 50)*

Re:

Appeal brought against the judgment of the Court of First Instance (Eighth Chamber, Extended Composition) of 11 June 2009 in Case T-300/02 *AMGA* v *Commission*, by which that court rejected as inadmissible an application for annulment of Articles 2 and 3 of Commission Decision 2003/193/EC of 5 June 2002 on State aid granted by Italy in the form of tax exemptions and subsidised loans to public utilities with a majority public capital holding (OJ 2003 L 77, p. 21).

Operative part

The Court:

1. Dismisses the appeal;

2. Orders Iride SpA to pay the costs of the appeal proceedings;

3. Orders the European Commission to pay the costs relating to the request for replacement of grounds.