Order of the Court (First Chamber) of 11 January 2007 — Artegodan v Commission

(Joined Cases C-440/01 P(R)-DEP and C-39/03 P-DEP)

Taxation of costs

Procedure — Costs — Taxation — Recoverable costs — Factors to be taken into consideration (Rules of Procedure of the Court, Art. 73(b)) (see para. 27)

Re:

Application for taxation of costs following the judgment of the Court of 24 July 2003.

Operative part

The total amount of costs which the Commission of the European Communities must repay to Artegodan GmbH is fixed at EUR 22 383.49.

Judgment of the Court (Second Chamber) of 11 January 2007 — Technische Glaswerke Ilmenau v Commission

(Case C-404/04 P)

Appeal — State aid — Article 87(1) EC — Contractual promise of payment — Disappearance of an essential condition of the contract — New pleas and arguments — Substitution of reasons — Application for the hearing of witnesses — Private

creditor test — Grounds of the judgment of the Court of First Instance — Determination of the amount of aid — Article 87(3)(c) EC — Right to be heard — Breach, in respect of the Member State concerned, of the rights of the defence

1. *Acts of the institutions — Statement of reasons — Obligation — Scope (Arts 87(1) EC, 88(2) EC and 253 EC) (see para. 30)*

2. *State aid — Meaning (Art. 87 EC) (see paras 45, 46)*

3. *Appeal — Grounds — Mere repetition of the pleas and arguments put forward before the Court of First Instance — Error of law pleaded not identified — Inadmissible (Art. 225 EC; Statute of the Court of Justice, Art. 58, first para.; Rules of procedure of the Court, Art. 112(1)(c), first para.) (see paras 48-50)*

4. *Procedure — Statement of reasons for judgments — Scope (see para. 90)*

5. *Community law — Principles — Rights of the defense (Art. 88(2) EC) (see paras 125 and 131)*

Re:

Appeal against the judgment of the Court of First Instance (Fifth Chamber, Extended Composition) of 8 July 2004 in Case T-198/01 *Technische Glaswerke Ilmenau* v *Commission* dismissing the action for annulment of Commission Decision 2002/185/EC of 12 June 2001 on State aid implemented by Germany for Technische Glaswerke Ilmenau GmbH (Germany) (OJ 2002 L 62, p. 30)

Operative part

The Court:

1. Dismisses the appeal;

2. Orders Technische Glaswerke Ilmenau GmbH, in addition to bearing its own costs, to pay the total costs of the Commission of the European Communities related to the interlocutory proceedings and to these proceedings;

3. Orders Technische Glaswerke Ilmenau GmbH to pay the costs incurred by Schott AG in the interlocutory proceedings;

4. Orders Schott AG to pay its own costs in these proceedings.

Judgment of the Court (Sixth Chamber) of 11 January 2007 — Commission v Ireland

(Case C-175/05)

Failure of a Member State to fulfil obligations — Directive 92/100/EEC — Copyright — Rental and lending right — Exclusive public lending right — Derogation — Condition of remuneration — Exemption — Scope

Approximation of laws — Copyright and related rights — Protected rental and lending right for works — Directive 92/100 — Remuneration of authors in the event of public lending (Council Directive 92/100, Arts 1 and 5) (see para. 32 and operative part)

Re:

Failure of a Member State to fulfil obligations — Breach of Articles 1 and 5 of Council Directive 92/100/EEC of 19 November 1992 on rental right and lending right and on certain rights related to copyright in the field of intellectual property (OJ L 346, p. 6) — Derogation from the exclusive public lending right — Scope