Judgment of the Court of First Instance (Third Chamber) of 20 September 2007 — Fachvereinigung Mineralfaserindustrie v Commission

(Case T-375/03)

State aid — Measures to promote the use of insulating materials produced from renewable raw materials — Decision declaring the aid compatible with the common market — Preliminary investigation procedure — Action for annulment — Admissibility — Meaning of 'party concerned' in Article 88(2) EC — Commission's duty to initiate the inter partes procedure

1. *Actions for annulment — Natural or legal persons — Measures of direct and individual concern to them (Arts 88(2) and (3) EC and 230, fourth para., EC) (see paras 46-52, 63)*

2. *Actions for annulment — Pleas in law — Interpretation by the court — Limits (see paras 65, 66)*

3. *Actions for annulment — Time-limits — Starting point (Art. 230, fifth para., EC; Council Regulation No 659/1999, Art. 26(1)) (see paras 72, 73)*

4. *State aid — Planned aid — Examination by the Commission — Preliminary review and main review (Arts 87(3) EC and 88(2) and (3) EC; Council Regulation No 659/1999, Arts 4(5) and 5) (see paras 88-90, 117, 124)*

5. *State aid — Administrative procedure — Obligations of the Commission (Art. 88 EC) (see para. 90)*

6. *State aid — Not allowed — Exceptions — Aid which may be considered compatible with the common market — Environmental aid (Arts 6 EC, 87(3)(c) EC and 174(1) EC) (see paras 138-143, 148, 152)*

Re:

APPLICATION for annulment of Commission Decision C(2003) 1473 final of 9 July 2003 declaring the measures which the German authorities propose to take to promote the use of insulating materials produced from renewable raw materials compatible with the common market (State aid No 694/2002).

Operative part

The Court:

1. Dismisses the action;

2. Orders Fachvereinigung Mineralfaserindustrie eV Deutsche Gruppe der Eurima — European Insulation Manufacturers Association to bear its own costs as well as those incurred by the Commission;

3. Orders the Federal Republic of Germany to bear its own costs.

Judgment of the Court of First Instance (Third Chamber) of 20 September 2007 — Imagination Technologies v OHIM (PURE DIGITAL)

(Case T-461/04)

Community trade mark — Application for the Community word mark PURE DIGITAL — Absolute grounds for refusal — Article 7(1)(b) and (c) of Regulation (EC) No 40/94 — Distinctive character acquired through use — Article 7(3) of Regulation No 40/94