4. In Case T-91/03 *SGL Carbon* v *Commission*:

— sets the fine imposed on the applicant by Article 3 of Decision COMP/E-2/37.667 at EUR 9 641 970 in respect of the infringement committed in the isostatic graphite sector;

— dismisses the remainder of the action;

— orders the applicant to bear two thirds of its own costs and to pay two thirds of the costs incurred by the Commission, and the Commission to bear one third of its own costs and to pay one third of the costs incurred by the applicant.

Order of the Court of First Instance (Second Chamber, Extended Composition) of 20 September 2005 — Makro Cash & Carry Nederland v Commission

(Case T-258/99)

State aid — Commission notice on the de minimis rule for State aid — Service stations — Risk of cumulation of aid — Aid covered by the notice — Interest in bringing proceedings

Actions for annulment — Interest in bringing proceedings — Need for a vested and current interest — Commission decision holding aid to be incompatible with the common market and ordering its abolition — Recipient relieved of obligation to repay by the application of the de minimis rule (Art. 230 EC) (see paras 35-40)

Re:

ACTION for the annulment of Commission Decision 1999/705/EC of 20 July 1999 on the State aid implemented by the Netherlands for 633 Dutch service stations located near the German border (OJ 1999 L 280, p. 87)

Operative part

The Court:

1. Dismisses the action as inadmissible;

2. Orders the applicant to bear the costs.

Order of the Court of First Instance (Third Chamber) of 13 October 2005 — Fintecna v Commission

(Case T-249/02)

European Social Fund — Reduction of financial assistance — Action for annulment — Actionable measure — Preparatory measure — Inadmissibility

Actions for annulment — Actionable measures — Meaning — Measures producing binding legal effects — Letter of the Commission relating to the rectification of the final balances of operational programmes for which Community financial assistance was granted — Excluded (Art. 230 EC; Council Regulation No 4253/88, Art. 24(1)) (see paras 40-41, 43)