Order of the Court (Fourth Chamber) of 21 February 2006 — Deutsche Post and DHL Express (formerly DHL International) v Commission

(Case C-367/04 P)

(Appeal — Aid granted by the Italian authorities to Poste Italiane)

1. *Actions for annulment — Natural or legal persons — Measures of direct and individual concern to them (Arts 87(1) EC, 88(2) EC, and 230, fourth para., EC) (see paras 37-38, 40-42, 50-51)*

2. *Appeals — Grounds — Review by the Court of the assessment of the evidence — Possible only where the clear sense of the evidence has been distorted (Art. 225 EC; Statute of the Court of Justice, Art. 58) (see para. 43)*

Re:

Appeal against the order of the Court of First Instance (Second Chamber, Extended Composition) of 27 May 2004 in Case T-358/02 *Deutsche Post and DHL International* v *Commission* dismissing as inadmissible the action for annulment of Commission Decision 2002/782/EC of 12 March 2002 on the aid granted by Italy to Poste Italiane SpA (formerly Ente Poste Italiane) (OJ 2002 L 282, p. 29)

Operative part

The Court:

1. Dismisses the appeal;

2. Orders Deutsche Post AG and DHL Express (Italy) Srl, formerly DHL International Srl, to pay the costs;

3. Orders the Italian Republic to bear its own costs.

Judgment of the Court (First Chamber) of 23 February 2006 — Commission v Finland

(Case C-232/03)

(Failure of a Member State to fulfil obligations — Workers — Freedom of movement — Use of vehicles registered abroad and made available to the worker by the employer residing abroad)

Freedom of movement for workers — Workers — Restrictions (Art. 39 EC) (see paras 49-52, 55, operative part 1)

Re:

Failure of a Member State to fulfil obligations — Articles 10 EC and 39 EC — Conditions for the use by workers residing in Finland and employed abroad of vehicles registered abroad and made available to them by the employer