

In support of their application, the applicants submit that the Commission has breached its legal responsibility to implement Directive 98/8/EC in accordance with the EC Treaty and the text of the directive itself, its obligations to respect the legal rights and expectations of participants, like the applicants and its duty to ensure, in accordance with the principles of sound administration, that the implementation by the Member States complies with the EC Treaty and the directive.

-
- (¹) Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market (OJ L 123, p. 1)
- (²) Commission Regulation (EC) No 1896/2000 of 7 September 2000 on the first phase of the programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council on biocidal products (OJ L 228, p. 6)
- (³) Commission Regulation (EC) No 2032/2003 of 4 November 2003 on the second phase of the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market, and amending Regulation (EC) No 1896/2000 (OJ L 307, p. 1)
-

Action brought on 1 October 2004 by Bactria Industriehygiene-Service Verwaltungs GmbH against the Commission of the European Communities

(Case T-401/04)

(2005/C 19/59)

(Language of the case: English)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 1 October 2004 by Bactria Industriehygiene-Service Verwaltungs GmbH, Kirchheimboladen, Germany, represented by K. Van Maldegem and C. Mereu, lawyers.

The applicant claims that the Court should:

- Order the defendant to respond to the applicant's request;
- Or, in the alternative, order the annulment of the European Commission's act D 341571(04);
- Order the defendant to compensate the applicant in the provisional amount of 1 euro for damages suffered as a result of the defendant's failure to comply with its obligations under Community law by failing to respond to the applicant, or, in the alternative, as a result of the European Commission's act D 341571(04), as well as any applicable

interests, pending the exact calculation and determination of the exact amount;

- Order the defendant to pay all costs and expenses in these proceedings.

Pleas in law and main arguments

The pleas in law invoked are similar to those invoked in Case T-400/04, Arch Chemicals and Arch Timber Protection/Commission.

Action brought on 1 October 2004 by Rhodia Consumer Specialties Limited against the Commission of the European Communities

(Case T-402/04)

(2005/C 19/60)

(Language of the case: English)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 1 October 2004 by Rhodia Consumer Specialties Limited, Watford, United Kingdom, represented by K. Van Maldegem and C. Mereu, lawyers.

The applicant claims that the Court should:

- Order the defendant to respond to the applicant's request;
- Or, in the alternative, order the annulment of the European Commission's act D 341571(04);
- Order the defendant to compensate the applicant in the provisional amount of 1 euro for damages suffered as a result of the defendant's failure to comply with its obligations under Community law by failing to respond to the applicant, or, in the alternative, as a result of the European Commission's act D 341571(04), as well as any applicable interests, pending the exact calculation and determination of the exact amount;
- Order the defendant to pay all costs and expenses in these proceedings.

Pleas in law and main arguments

The pleas in law invoked are similar to those invoked in Case T-400/04, Arch Chemicals and Arch Timber Protection/Commission.
