

Pleas in law and main arguments

The applicant has since 1993 been the sole owner of Glucona B.V., a company producing sodium gluconate. Glucona had previously been a joint venture between the applicant and its then partner. Glucona was involved in a cartel concerning the sale of sodium gluconate. The contested decision orders the applicant to pay a fine in that regard.

In support of its claim, the applicant pleads, primarily, failure to comply with essential procedural requirements. In particular, it asserts that its rights of defence have been violated and that an insufficient statement of reasons was given. Thus, the applicant was not given an opportunity to comment on the statements made about the applicant by another party involved in the investigation.

The applicant further pleads infringement of Article 81(1) EC and Article 15(2) of Regulation No 17/62⁽¹⁾. According to the applicant, the conduct of Glucona during the period from 1987 and 1993 cannot be attributed to it. During that period the applicant's partner in Glucona was responsible for sales policy and the applicant itself had no information whatever in that regard. It was not until 1993, when the applicant obtained total control over Glucona, that it was made aware of the cartel and was thus placed in a position of responsibility therefor.

Lastly, the applicant pleads violation of the principle of proportionality, inasmuch as the Commission failed to take account of the purely passive role played by the applicant in the cartel until 1993.

⁽¹⁾ Regulation No 17: First Regulation implementing Articles 85 and 86 of the Treaty (OJ, English Special Edition 1959-1962, p. 87).

Action brought on 17 December 2001 by Omar Mohamed Othman against the Council of the European Union and the Commission of the European Communities

(Case T-318/01)

(2002/C 68/24)

(Language of the case: English)

An action against the Council of the European Union and the Commission of the European Communities was brought before the Court of First Instance of the European Communities

on 17 December 2001 by Omar Mohamed Othman, represented by Ms Fiona Lindsley of Birnberg Peirce & Partners, London (United Kingdom)

The applicant claims that the Court should:

- Annul Council Regulation 467/2001 and Commission Regulation 2062/2001.

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The applicant in the present case, a citizen of Jordan and lawfully residing in the United Kingdom, challenges Council Regulation (EC) No 467/2001 and Regulation (EC) No 2062/2001 of 19 October 2001, amending, for the third time, Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan and repealing Regulation (EC) No 337/2000⁽¹⁾. The applicant is named in Regulation (EC) 2062/2001.

According to the applicant, the Council and the Commission have misused their powers conferred by Article 60 and 301 EC Treaty in adopting the Regulations in question. Furthermore, the applicant contends that the Regulations violate his human rights, specifically Articles 3 and 8 of the European Convention on Human Rights. Finally, the applicant claims that the measures are disproportionate and in violation of the principle of subsidiarity.

⁽¹⁾ OJ L 277, of 20.10.2001, p. 25.

Action brought on 20 December 2001 by Roquette Frères S.A. against the Commission of the European Communities

(Case T-322/01)

(2002/C 68/25)

(Language of the case: French)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 20 December 2001 by Roquette Frères S.A., established at Lestrem (France), represented by Antoine Choffel and Olivier Prost, lawyers.