

**Action brought on 14 June 2002 by Laurent Piau against
Commission of the European Communities**

(Case T-193/02)

(2002/C 219/51)

(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 14 June 2002 by Laurent Piau, residing in Nantes (France), represented by Marguerite Fauconnet, lawyer.

The applicant claims that the Court should:

- annul the decision of the Commission of 15 April 2002;
- order the Commission to pay the cost.

Pleas in law and main arguments

On 23 March 1998, the applicant lodged a complaint with the Commission arguing that the rules applied by FIFA to players' agents were contrary to Community law. That complaint was registered by the Commission which then carried out a thorough investigation. Having heard no more as to progress on his case, the applicant on 31 January 2001 placed the Commission on notice and on 31 May 2001 brought an action for failure to act (Case T-121/00 OJ 2001 C 227, p. 30). On 3 August 2001 the Commission wrote to the applicant informing him of its intention not to uphold his complaint. After receiving the applicant's comments, the Commission rejected the applicant's complaint in view of the fact that the most restrictive provisions were repealed after proceedings were initiated. In the present case, the applicant contests that decision.

In support of his application, the applicant alleges, first, manifest error of assessment of the facts and of the law. According to the applicant, the Commission's statement that the most restrictive of the provisions of FIFA's rules have been repealed is wrong. Furthermore, other aspects of the rules have not been correctly assessed either.

Moreover, the applicant alleges inadequate statement of reasons for the decision. According to the applicant, the Commission did not investigate the complaint on the basis of Article 82 of the EC Treaty and did not provide reasons for the rejection of that part of the complaint. According to the applicant, FIFA holds a dominant position in the market in football and abuses its position in the related market in services linked to player transfers.

The applicant further alleges error of assessment in that, in his view, FIFA's rules do not comply with Article 81 of the EC Treaty and that those rules cannot benefit from an exemption under Article 81(3).

The applicant also claims that the Commission infringed Article 49 of the EC Treaty. In his view, the Commission does not have the power implicitly to confer a power to lay down rules on the awarding of diplomas on FIFA.

**Action brought on 28 June 2002 by MTU Friedrichshafen
GmbH against the Commission of the European Com-
munities**

(Case T-196/02)

(2002/C 219/52)

(Language of the Case: German)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 28 June 2002 by MTU Friedrichshafen GmbH of Friedrichshafen (Germany), represented by F. Montag and T. Lüubig, Lawyers.

The applicant claims that the Court should:

- annul Article 3(2) of the Commission's Decision of 9 April 2002 on German State aid to SKL Motoren- und Systembautechnik GmbH in so far as Germany is required by those provisions to recover a sum of EUR 2,71 million (DEM 5,30 million) from MTU Motoren- und Turbinen-Union Friedrichshafen GmbH;
- order the defendant to pay the costs.