

of the European Communities (Agents: N. Niejahr, K. Fitch and B. Wägenbaur) — application for partial annulment of Commission Regulation (EC) No 937/2001 of 11 May 2001 concerning the authorisation of new additive uses, new additive preparations, the prolongation of provisional authorisations and the ten year authorisation of an additive in feedingstuffs (OJ 2001 L 130, p. 25) — the Court of First Instance (Fourth Chamber), composed of M. Vilaras, President, V. Tiili and P. Mengozzi, Judges; H. Jung, Registrar, has given a judgment on 14 June 2002, the operative part of which provides as follows:

1. *There is no need to rule in the present action.*
2. *Each party is to bear its own costs.*

(¹) OJ 2001 C 289 of 13.10.2001.

ORDER OF THE COURT OF FIRST INSTANCE

of 19 June 2002

in Case T-197/01: Groupement d'intérêt de produits agricoles de la Martinique (GIPAM) v Commission of the European Communities (¹)

(Actions for annulment — Regulation (EC) No 896/2001 — Time-limit for commencing proceedings — Manifest inadmissibility)

(2002/C 233/43)

(Language of the case: French)

In Case T-197/01: Groupement d'intérêt de produits agricoles de la Martinique (GIPAM), whose registered office is at Ducos (France), represented by A. Lorang, P. Leroyer Gravet and H. Mazingue, lawyers, with an address for service in Luxembourg, against Commission of the European Communities (Agents: A. Bordes and L. Visaggio) — application for annulment of Council Regulation (EC) No 896/2001 of 7 May 2001 laying down detailed rules for applying Council Regulation (EEC) No 404/93 as regards the arrangements for importing bananas into the Community (OJ 2001 L 126, p. 6) — the Court of First Instance (Fifth Chamber), composed of J.D. Cooke, President, and R. García-Valdecasas and P. Lindh, Judges; H. Jung, Registrar, has made an order on 19 June 2002, in which it:

1. *dismisses the application as manifestly inadmissible;*
2. *orders the applicant to pay the costs.*

(¹) OJ C 303 of 27.10.2001.

Action brought on 10 June 2002 by Malagutti-Vezinhet SA against the Commission of the European Communities

(Case T-177/02)

(2002/C 233/44)

(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 10 June 2002 by Malagutti-Vezinhet SA, established in Cavaillon (France), represented by Béatrice Favarel-Veidig, lawyer, with an address for service in Luxembourg.

The applicant claims that the Court should:

- order the Commission to pay the following amounts to Malagutti-Vezinhet:
 - the sum of FRF 222 540,00 (EUR 33 926,00) as compensation for loss incurred by that company;
 - the sum of FRF 1 943 413,56 (EUR 296 271,48) as compensation for loss of profits in the British market; if the Court of First Instance considers the claim for loss of profits to be insufficiently proven, it is requested to award the applicant the aforementioned sum in respect of the loss of a chance to retain its previously established levels of business;
 - the sum of FRF 2 013 455,16 (EUR 306 949,26) as compensation for harm caused to the company's reputation with European and, in particular, British distributors.

Pleas in law and main arguments

The applicant exports fruit and vegetables into, *inter alia*, the English market. In September 2001, the Icelandic health authorities informed the Commission of the existence of pesticide residues in excess of the prescribed maximum level. On the basis of that information, the Commission sent a notification, in the framework of the rapid alert system, concerning dicofol residues in apples from France via the Netherlands. In a second notification, and subsequent notifications, the applicant was expressly named as the exporter.

The applicant claims that, by taking that action, the Commission acted wrongfully, thereby causing the applicant to suffer damage.