

In support of its application, the applicant contests the economic approach adopted in relation to the facts by the Commission which, on the one hand, defined as the relevant market the Italian geographic market but which, on the other hand, completely overlooked the fact that the average price of reinforced concrete in Italy has always been, on average, less than that in the other States.

Furthermore, S.P. contests the use of documents by the Commission to substantiate its charges, in particular the memorandum of a partner undertaking which, in the Commission's view, provided useful information to understand the way in which the accused undertaking operated, without such documents having been notified to the applicant during the proceeding. Moreover, although the Commission was in possession of them, it failed to mention that it had made use of such cooperation, preventing the applicant from adopting a position in good time in relation to the charges made against it. In that respect also, the applicant seeks the annulment of the decision on the ground of a serious breach of the rights of defence.

S.P. further alleges error of law, in particular the misapplication of Article 65 ECSC, claiming that the contested objections do not contain sufficient evidence to support the existence of an agreement or concerted practices.

Finally, S.P. further contests the methods adopted by the Commission when determining the fines to be imposed, in particular the multiplier and the increment linked to the allegedly uninterrupted duration of the alleged infringements and to the alleged extreme seriousness, which has not been proven, of the infringements.

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**Action brought on 27 January 2003 by Comunidad Autónoma de Andalucía against Commission of the European Communities**

(Case T-29/03)

(2003/C 70/51)

(Language of the case: Spanish)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 27 January 2003 by Comunidad Autónoma de Andalucía, Seville (Spain), represented by Carmen Carretero Espinosa de los Monteros, lawyers.

The applicant claims that the Court should:

- annul the decision of 11 November 2002 of the Director General of the European Anti-Fraud Office (OLAF) which, as an internal service of the Commission of the European Communities, declares inadmissible the complaint lodged by the Junta de Andalucía.

*Pleas in law and main arguments*

The applicant in the present proceedings contests the rejection of the complaint submitted by Counsellor for Agriculture and Fisheries to the Director General of the Anti-Fraud Office (OLAF) after becoming aware of the existence of Report IO/2000/7057 concerning the investigations carried out by OLAF into possible irregularities in the olive oil sector in Spain, concentrating in particular on the territory of the Comunidad Autónoma de Andalucía.

In support of its arguments, the applicant alleges:

- infringement of the principles of legality, in that OLAF's activities covered areas over which there is no judicial oversight, and of equality, inasmuch as such conduct discriminated against any legal or natural person who is not an official, agent or staff of the Community institutions, who alone may lodge administrative complaints against OLAF's conduct.
- infringement of the fundamental right of defence.
- that OLAF must accept the complaint in issue by analogy with the provisions of Article 14 of Regulation No 1073/1994, and reply to the substantive questions raised in the aforementioned complaint.

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**Action brought on 30 January 2003 by The General Workers Union in Denmark (Specialarbejderforbundet i Danmark 'SID') against the Commission of the European Communities**

(Case T-30/03)

(2003/C 70/52)

(Language of the case: English)

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