

Pleas in law and main arguments

This action is brought against the same Decision as has already been challenged in Case T-27/03 S.P. v Commission.

The pleas in law and main arguments are similar to those put forward in that case.

**Action brought on 4 March 2003 by Haladjian Frères
against the Commission of the European Communities**

(Case T-78/03)

(2003/C 112/69)

(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 4 March 2003 by Haladjian Frères, whose registered office is in Sorgues (France), represented by Nicole Coutrelis, lawyer.

The applicant claims that the Court should:

- declare, pursuant to Article 232 of the Treaty, that the Commission has failed to adopt a decision following the complaint submitted by the company Haladjian on 18 October 1993;
- order the Commission to pay the costs.

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Nearly 10 years ago, the applicant submitted a complaint to the Commission concerning an infringement by Caterpillar of Articles 81 and 82 of the EC Treaty. The applicant states that the inquiry into the case was unusually long and that it was only 8 years later that the Commission sent it a letter advising of its intention to reject the complaint. The applicant submitted its observations on that letter and waited a year before putting the Commission on notice. It points out furthermore that the Commission had still not adopted a position when the present action was lodged.

In support of its application, the applicant claims that the Commission was under an obligation to act following the applicant's observations. Thus the Commission should either have initiated a procedure against the company against which the complaint had been made or adopted a definitive decision rejecting the complaint.

The applicant further claims that the Commission did not adopt a position within a reasonable period since, 16 months after the applicant submitted its observations and 9 years after the initial complaint was lodged, the Commission has still not adopted a definitive position.

**Action brought on 27 February 2003 by Industrie Riunite
Odolesi I.R.O. S.p.A. against the Commission of the
European Communities**

(Case T-79/03)

(2003/C 112/70)

(Language of the case: Italian)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 27 February 2003 by the above applicant, represented by Prof. A. Giardina, lawyer.

The applicant claims that the Court should:

- annul the contested decision;
- in the alternative, cancel or reduce the fine imposed on IRO in the decision;
- in any event, order the Commission to pay the costs.

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