The applicants claim that the Court should:

— find the defendant liable for the harm suffered by the applicants as a result of the attack on 27 March 2002 on the Park Hotel in Netanya (Israel);

— order the defendant, in respect of the harm suffered by the applicants, to pay the following amounts:

  — to Lucien Zaoui, EUR 1 million in compensation for non-material damage;

  — to Bernard Zaoui, EUR 1,5 million, in compensation for non-material damage;

  — to Déborah Stain, née Zaoui:

    — EUR 1 million in respect of bodily injury;

    — EUR 2 millions in respect of non-material damage;

    — an amount to be settled in the course of proceedings for material damage.

— order the defendant to pay the costs.

Pleas in law and main arguments

The applicants are relatives of Mrs Zaoui, who died on 27 March 2002 when a Palestinian terrorist carried out an attack on a hotel in Israel. The applicants claim that the education in the Palestinian territories in the West Bank and in the Gaza strip is the certain and direct cause of the attack which cost Mrs Zaoui her life, since that education incites individuals to hatred and terrorism. They claim that the defendant participated financially in that form of education, the content of which it was presumably aware of and on which it could have an influence. According to the applicants, the defendant also infringed the provisions applicable to the financial support programmes (Articles 6 and 177(2) of the EC Treaty), the principles of sound financial management, the agreements entered into between the Communities and the United Nations Relief and Works Agency for Palestinian refugees (UNRWA), Article 3 of Regulation No 1488/96/EC and Amendment No 177 to the 2002 EC General Budget. In that context, they claim that the liability of the Communities has been incurred by virtue of the second paragraph of Article 288 of the EC Treaty.

Action brought on 3 March 2003 by Intech EDM B.V. against the Commission of the European Communities

(Case T-74/03)

(2003/C 124/44)

(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 3 March 2003 by Intech EDM B.V., Lomm (Netherlands), represented by M. Karl, Rechtsanwalt.

The applicant claims that the Court should:

— annul the Commission's decision of 17 December 2002 (Case COMP/E-2/37.667 — Special Graphite);

— in the alternative, reduce the fine imposed by Article 3(h) of the decision;

— order the Commission to pay the costs.

Pleas in law and main arguments

The applicant distributes isostatically pressed special graphite, but does not itself produce it. Its activity in the European special graphite market is based on a cooperation agreement between itself and Ibiden Co. Ltd., a Japanese producer of isostatic special graphite. The Commission accused the applicant, a former subsidiary of the latter and various producers of isostatic special graphite (including Ibiden) of taking part in a continuing agreement and/or concerted practice on the market for special graphite in the European Community and the European Economic Area. According to the Commission's finding, the applicant participated from February 1994 to May 1997 at European and regional level.

The applicant argues that the Commission has wrongly classified it as an offender. In reality, at least for the period up to 26 September 1995, the applicant could only be classified as a helper of Ibiden. According to Article 15(2) of Regulation No 17, a helper cannot be punished with a fine. The applicant further maintains that the Commission ignored several mitigating circumstances, particularly the subsidiary role of the applicant, and the fact that it voluntarily ended its participation long before the other participants and long before the Commission first intervened.

The applicant further argues that the fine is flagrantly disproportionate to its economic strength and is therefore a breach of the principle of proportionality and the Commission's guidelines on fines. The Commission also breached the principle of equal treatment by not fining any of the other marketing companies involved in the cartel and, furthermore, by imposing fines on the participating manufacturers which, measured in relation to turnover, were far lower than that determined in relation to the applicant. Since the Commission gave no reason for that worse treatment, there was also an infringement of the duty to state reasons under Article 253 EC.

Action brought on 3 March 2003 by Lucchini S.p.A. against the Commission of the European Communities

(Case T-80/03)

(2003/C 124/45)

(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 3 March 2003 by Lucchini S.p.A., represented by Alberto Santa Maria and Claudio Biscaretti di Ruffia, lawyers.

The applicant claims that the Court should:

— annul the decision of 17 December 2002 C(2002)5087 final in Case COMP/37.956 — concrete reinforcing bars, imposing on Lucchini SpA, jointly and severally with S.P. SpA, previously known as Siderpotenza SpA, a fine of EUR 16,14 million;

— in the alternative, reduce the fine imposed on the applicant by the Commission;

— in any event, order the Commission to pay the costs.

Pleas in law and main arguments

The present action has been brought against the decision contested in Case T-27/03 S.P. v Commission.

The pleas in law and main arguments are identical with those in the abovementioned case. The applicant claims that there is no such single undertaking as Siderpotenza-Lucchini and, therefore, that the applicant is substantially unconnected to the infringement which is the subject of the decision. In point of fact, the Commission has not take into account of the fact that Lucchini SpA has never produced concrete reinforcing bars.

Action brought on 5 March 2003 by the Government of the Cayman Islands against the Commission of the European Communities

(Case T-85/03)

(2003/C 124/46)

(Language of the case: English)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 5 March 2003 by the Government of the Cayman Islands, Grand Cayman, Cayman Islands, represented by Ms Eleanor Sharpston, QC.

The applicant claims that the Court should:

— annul the Commission's decision not to respond to the urgent request of the Cayman Islands Government to establish a Partnership Working Party under the Overseas Association Decision,

— order the Commission to pay the Cayman Islands Government's costs.

Pleas in law and main arguments

The Decision challenged in the current case is the Commission's Decision not to respond to the urgent request of the applicant for the establishment of a Partnership Working Party ('PWP'), in accordance with Article 7 of Council Decision 2001/822/EC of 27 November 2001 on the association of the overseas countries and territories (OCTs) within the European Community [1]. The request was made in order to consider OCT representations in relation to the proposal for a Council Directive on taxation of savings income in the form of interest payments and/or the automatic exchange of information.