

Action brought on 25 July 2003 by the 'CB' Bank Cards Group against the Commission of the European Communities

(Case T-266/03)

(2003/C 251/24)

(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 25 July 2003 by the 'CB' Bank Cards Group, whose registered office is in Paris, represented by Alain Georges and Javier Ruiz Calzado, lawyers.

The applicant claims that the Court should:

- annul the Commission's Decision C(2003) 1524/9 of 7 May 2003, ordering the CB Bank Cards Group and its subsidiaries to submit to an investigation under Article 14(3) of Council Regulation No 17 ⁽¹⁾;
- order the removal from the file of all documents seized and other evidence brought to the knowledge of the Commission during the investigation, and their return to the Group;
- order the Commission to pay the costs incurred by the Group in connection with the present action for annulment.

Pleas in law and main arguments

In support of its action, the applicant pleads, first, infringement of the duty to state reasons for the contested decision. As the Commission failed to state the presumptions it wished to verify, the applicant found itself unable to grasp the scope of its duty of cooperation while at the same time preserving its defence rights. It was also unable to discover whether the investigation ordered concerned certain measures already notified to the Commission or other practices. The applicant also makes a second plea, alleging infringement of the principle of proportionality. It first argues that the infringement of the duty to state reasons, alleged in its first plea, has prevented either the competent national authorities or the Court of First Instance itself from reviewing the proportionality of the investigation ordered. In the alternative, it argues that recourse to an investigation under Article 14(3) is

disproportionate, since the Commission's investigation of the notification by the Group was still in progress and there has been a long and constant tradition of cooperation by the Group with the Commission's services.

⁽¹⁾ First Regulation implementing Articles 85 and 86 of the Treaty (OJ, English Special Edition, 1959-1962, p. 87).

Action brought on 30 July 2003 by Socratec — Satellite Navigation Consulting, Research & Technology-GmbH against the Commission of the European Communities

(Case T-269/03)

(2003/C 251/25)

(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 30 July 2003 by Socratec — Satellite Navigation Consulting, Research & Technology-GmbH, Regensburg (Germany), represented by M. Adolf and M. Lüken, lawyers.

The applicant claims that the Court should:

- annul the Commission's Decision of 30 April 2003 (Case COMP/M.2903);
- in the alternative, annul the Commission's Decision of 30 April 2003 (Case COMP/M.2903) in so far as the decision allows the participating undertakings DaimlerChrysler Services AG, Deutsche Telekom AG and Cofiroute SA to provide telematic services by means of the toll system commissioned by the Federal Republic of Germany;
- in the further alternative, order the Commission to require DaimlerChrysler Services AG, Deutsche Telekom AG and Cofiroute SA to postpone completion of the notified joint venture Toll Collect GmbH until the condi-