

The applicant also pleads infringement of Article 253 EC. According to the applicant, the Commission has not adequately set out the reasons why the transitional rule in Article 2 of the contested decision must be restricted to undertakings in respect of which the tax authority had taken a decision as at 11 July 2001.

(<sup>1</sup>) 2003/515/EC: Commission Decision of 17 February 2003 on the State aid implemented by the Netherlands for international financing activities (OJ 2003 L 180, p. 52).

**Action brought on 16 October 2003 by Andreas Mausolf against Europol**

**(Case T-355/03)**

(2004/C 21/76)

*(Language of the case: Dutch)*

An action against Europol was brought before the Court of First Instance of the European Communities on 16 October 2003 by Andreas Mausolf, resident in Leiden (Netherlands), represented by M.F. Baltussen and P. de Casparis.

The applicant claims that the Court should:

- 1) annul the implicit rejection by Europol of the applicant's complaint challenging the decision of 2 January 2003 and also to annul the decision of 2 January 2003;
- 2) order Europol to pay compensation to Andreas Mausolf, including in any event the costs of these proceedings.

*Pleas in law and main arguments*

The applicant contests the decision not to award him an extra step with effect from 1 July 2002.

The applicant submits that the contested decision contains an inadequate statement of reasons and thereby conflicts with the general principle that decisions must state the reasons on which they are based.

**Action brought on 31 October 2003 by MEDICI GRIMM KG against the Council of the European Union**

**(Case T-364/03)**

(2004/C 21/77)

*(Language of the case: English)*

An action against The Council of the European Union was brought before the Court of First Instance of the European Communities on 31 October 2003 by MEDICI GRIMM KG, Rodgau Hainhausen, Germany, represented by Dr Robert MacLean, Solicitor with an address for service in Luxembourg.

The applicant claims that the Court should:

- order that, pursuant to the second paragraph of Article 288 of the EC Treaty, the Council of Ministers of the European Union is liable for the damage caused to the Applicant and order the Council to pay damages to the Applicant for the sum of 89 286 EUR in interest and the sum of 81 079 EUR in legal costs of the administrative procedure, or whatever sums the Court decides appropriate;
- order the Council to pay the legal costs and expenses of the procedure.

*Pleas in law and main arguments*

The applicant is a company dealing in leather handbags. In the course of its business it regularly imported handbags manufactured by a company based in the People's Republic of China. Council Regulation EC 1567/971 (<sup>1</sup>) imposed a definitive anti-dumping duty on imports of leather handbags originating in that country. That Regulation was later amended by Council Regulation (EC) No 2380/98 of 3 November 1998 (<sup>2</sup>) which imposed a specific anti-dumping duty rate of 0 % on the handbags imported by the applicant.

However, this provision was not given retroactive effect and consequently duties paid by the applicant until then were not refunded.