

all three brought on the basis of Article 238 EC and Article 16 of Commission Regulation (EC) No 111/1999 of 18 January 1999 laying down general rules for the application of Council Regulation (EC) No 2802/98 on a programme to supply agricultural products to the Russian Federation and, in the alternative, on the basis of Article 235 EC and the second paragraph of Article 288 EC — the Court of First Instance (Second Chamber), composed of N.J. Forwood, President, J. Pirrung and A.W.H. Meij, Judges; J. Plingers, Administrator, for the Registrar, has given a judgment on 10 February 2004 in which it:

1. In Case T-215/01, orders the Commission to pay to the applicant the sum of EUR 7 194,24 and the sum of USD 23 072,89, both together with default interest from 16 May 2001 until full payment. The rate of interest to be applied shall be calculated on the basis of the rate set by the European Central Bank for its main refinancing operations that is applicable during the period in question, increased by two percentage points;
2. Dismisses the application in Case T-215/01 as to the remainder;
3. Orders the applicant to bear in Case T-215/01 a third of its own costs and a third of the costs incurred by the Commission, and the latter to bear two-thirds of its own costs and two-thirds of the costs incurred by the applicant;
4. Dismisses the application in Case T-220/01;
5. Orders the applicant to pay all the costs in Case T-220/01;
6. In Case T-221/01, orders the Commission to pay to the applicant the sum of USD 25 761,11, together with default interest from 3 August 2001 until full payment. The rate of interest to be applied shall be calculated on the basis of the rate set by the European Central Bank for its main refinancing operations that is applicable during the period in question, increased by two percentage points;
7. Orders the applicant to bear in Case T-221/01 a quarter of its own costs and a quarter of the costs incurred by the Commission, and the latter to bear three-quarters of its own costs and three-quarters of the costs incurred by the applicant.

⁽¹⁾ OJ No C 317, 10.11.2001.

JUDGMENT OF THE COURT OF FIRST INSTANCE

11 February 2004

in Case T-259/01: Nutrinveste — Comércio Internacional, SA, v Commission of the European Communities ⁽¹⁾

(Regulation (EEC) No 2200/87 — Food aid — Transfer of the burden of risk — Deduction from payments)

(2004/C 94/115)

(Language of the case: Portuguese)

In Case T-259/01, **Nutrinveste - Comércio Internacional, SA**, established in Algés (Portugal), represented by A. Vasconcelos, lawyer, with an address for service in Luxembourg, against **Commission of the European Communities** (Agents: G. Berscheid and A. Alves Vieira), with an address for service in Luxembourg: Application for an order for payment by the Commission of the sum of EUR 61 226 in respect of a supply of food aid, the Court of First Instance (Fourth Chamber), composed of V. Tiili, President, P. Mengozzi and M. Vilaras, Judges; I. Natsinas, Administrator, for the Registrar, has given a judgment on 11 February 2004, in which it:

1. Dismisses the application;
2. Orders the applicant to pay the costs.

⁽¹⁾ OJ C 17 of 19.01.2002.

JUDGMENT OF THE COURT OF FIRST INSTANCE

12 February 2004

in Case T-282/01: Aslantrans AG v Commission of the European Communities ⁽¹⁾

(Customs duties — Repayment of import duties — Shipment of cigarettes stolen during transport — Notion of special situation within the meaning of Article 905 of Regulation (EEC) No 2454/93 — Compliance with the time-limit)

(2004/C 94/116)

(Language of the case: German)

In Case T-282/01, **Aslantrans AG**, established in Rickenbach bei Wil (Switzerland), represented by J. Weigell, avocat, v Commission of the European Communities (Agents: initially by R. Tricot and S. Fries, and subsequently by X. Lewis and S. Fries): Application for annulment of Commission Decision REM 19/00 of 18 July 2001 refusing to grant an application by the Federal Republic of Germany for repayment of import duties in favour of the applicant, the Court of First Instance (Fifth Chamber), composed of: P. Lindh, President, and R. García-Valdecasas and J.D. Cooke, Judges I. Natsinas, Administrator, for the Registrar, has given a judgment on 12 February 2004, in which it:

1. Dismisses the application;
2. Orders the applicant to bear its own costs and to pay those incurred by the Commission.

⁽¹⁾ OJ C 44 of 16.02.2003.