

Judgment of the Court of First Instance of 27 September 2005 — GeoLogistics BV v Commission

(Case T-26/03) ⁽¹⁾

(Customs Union — External Community transit operations — Meat destined for Morocco — Fraud — Application for remission of import duties — Article 239 of Regulation (EEC) No 2913/92 — Article 905 of Regulation (EEC) No 2454/93 — Fairness clause — Special situation — No deception or obvious negligence)

(2005/C 281/34)

Language of the case: Dutch

Parties

Applicant(s): GeoLogistics BV (Schiphol Rijk, Netherlands) (represented initially by H. de Bie and K. Schellaars, and subsequently by H. De Bie and A. Huizing, lawyers)

Defendant(s): Commission of the European Communities (represented by X. Lewis, Agent, assisted by F. Tuytschaever, lawyer)

Intervener(s) in support of the defendant(s): Kingdom of Spain (represented by L. Fraguas Gadea and J.M. Rodríguez Cárcamo, abogados del Estado)

Application for

annulment of Commission Decision REM 08/00 of 7 October 2002 declaring there to be no grounds for the applicant to be granted remission of import duties, as requested in the application submitted by the Kingdom of the Netherlands

Operative part of the judgment

The Court:

- 1) Annuls Commission Decision REM 08/00 of 7 October 2002 in so far as it refuses to remit the import duties for which the applicant was found liable in respect of customs operations carried out by it on or after 12 June 1995;
- 2) Order the Commission to bear its own costs and to pay those of the applicant;
- 3) Orders the Kingdom of Spain to bear its own costs.

⁽¹⁾ OJ C 70, 22.3.2003.

Judgment of the Court of First Instance of 22 September 2005 — Suproco v Commission

(Case T-101/03) ⁽¹⁾

(Association of the OCTs — Sugar not entitled to OCT origin — Request for a derogation from the rules of origin — Rejection of the request for a derogation — Duty to give reasons)

(2005/C 281/35)

Language of the case: Dutch

Parties

Applicant(s): Suproco (Curaçao, Netherlands Antilles) (represented by M. Slotboom and N.J. Helder, lawyers)

Defendant(s): Commission of the European Communities (represented by T. van Rijn and X. Lewis, agents)

Intervener(s) in support of the applicant(s): Kingdom of the Netherlands (represented by H. Sevenster, agent)

Intervener(s) in support of the defendant(s): Council of the European Union (represented by initially by G. Houttuin and M. Bishop, and subsequently by G. Houttuin and D. Canga Fano, agents) and by Kingdom of Spain (represented by N. Díaz Abad, lawyer)

Application for

the annulment of Commission Decision 2003/34/EC of 10 January 2003 refusing to grant a derogation from Council Decision 2001/822/EC, as regards the rules of origin for sugar from the Netherlands Antilles (OJ 2003 L 11, p. 50)

Operative part of the judgment

The Court:

- 1) Annuls Commission Decision 2003/34/EC of 10 January 2003 refusing to grant a derogation from Council Decision 2001/822/EC, as regards the rules of origin for sugar from the Netherlands Antilles;
- 2) Orders the Commission to bear its own costs and those of Suproco;
- 3) Orders the Council, the Kingdom of Spain and the Kingdom of the Netherlands to bear their own costs.

⁽¹⁾ OJ C 135, 7.6.2003.