

Appeal brought on 22 December 2006 by the European Training Foundation against the judgment of the Civil Service Tribunal delivered on 26 October 2006 in Case F-1/05, Landgren v European Training Foundation

(Case T-404/06 P)

(2007/C 42/64)

Language of the case: French

Parties

Appellant: European Training Foundation (Turin, Italy) (represented by G. Vandersanden, lawyer)

Other party to the proceedings: Pia Landgren

Form of order sought by the appellant

- Declare this appeal admissible and well-founded;
- As a result, annul the judgment of the Civil Service Tribunal of 26 October 2006 in Case F-1/05 *Landgren v European Training Foundation*, which is the subject of this appeal, and thereby recognise the lawfulness of the decision of 25 June 2004 to dismiss the respondent and, accordingly, the lack of any legal basis for compensation;
- Order the respondent to pay the costs, including the costs of proceedings before the Civil Service Tribunal.

Pleas in law and main arguments

By judgment of 26 October 2006, annulment of which is sought in this appeal, the Civil Service Tribunal annulled the decision of the European Training Foundation of 25 June 2004 terminating the indefinite contract of Mrs Landgren as a temporary agent and asked the parties to agree on the monetary compensation required by the unlawfulness of the decision.

In support of its claim for annulment of that judgment, the Foundation raises two pleas, the first alleging disregard of the extent of the obligation to state reasons. The appellant submits that there is no legal basis requiring a defendant to state reasons for a decision dismissing a temporary agent and that, by finding to the contrary, the judgment under appeal breaches Article 47 of the Conditions of Employment ⁽¹⁾ and the case-law applying that provision. Moreover, the appellant submits that the judgment under appeal erroneously relies on agreements and conventions which are not applicable to relations between the institutions and their staff. It also submits that the judgment under appeal contains a contradiction between the formal requirement of a statement of reasons and the lawfulness of the knowledge the person concerned has of the reasons for the decision to terminate.

By its second plea the appellant submits that the judgment under appeal contains an error of law relating, first, to the distortion of the facts and, second, to failure to have regard to

the public interest, in that it makes an erroneous assessment of the material facts of which Mrs Landgren was informed and which constitute the reasons for the decision to dismiss.

⁽¹⁾ The Conditions of Employment of Other Servants of the European Communities were laid down by Article 3 of Regulation (EEC, Euratom, ECSC) No 259/68 of the Council of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities (OJ, English Special Edition, 1968 (I), p. 30).

Action brought on 27 December 2006 — Arcelor and Others v Commission

(Case T-405/06)

(2007/C 42/65)

Language of the case: French

Parties

Applicants: Arcelor Luxembourg (Luxembourg, Grand-Duchy of Luxembourg), Arcelor Profil Luxembourg SA (Esch-sur-Alzette, Grand-Duchy of Luxembourg) and Arcelor International (Luxembourg, Grand-Duchy of Luxembourg) (represented by: A. Vandencastele, lawyer)

Defendant: Commission of the European Communities

Form of order sought

- annul the Commission's decision of 8 November 2006 in Case COMP/F/38.907 — Steel beams — C(2006) 5342 final;
- at the very least, annul Article 2 of the decision imposing on the applicants a financial penalty or reduce that penalty drastically;
- order the defendant to pay the costs.

Pleas in law and main arguments

By this action, the applicants seeks the annulment of Commission Decision C(2006) 5342 final of 8 November 2006 relating to a proceeding under Article 65 ECSC (Case COMP/F/38.907 — Steel beams), concerning agreements and concerted practices engaged in by European producers of beams and relating to price-fixing, allocation of quotas and information exchange on the market for beams in the Community. In the alternative, they seek the annulment of or a substantial reduction in the fine imposed on them by the contested decision.