

Action brought on 22 February 2007 — Agrar-Invest-Tatschl v Commission

(Case T-51/07)

(2007/C 95/92)

*Language of the case: German***Parties***Applicant:* Agrar-Invest-Tatschl GmbH (St. Andrä im Lavanttal, Ausria) (represented by O. Wenzlaff, lawyer)*Defendant:* Commission of the European Communities**Form of order sought**

— annul Article 1(2) and Article 1(3) of Commission Decision C(2006) 5789 final (REC 05/05) of 4 December 2006;

— order the defendant to find that the subsequent entry into the accounts of import duties amounting to EUR 110 937,60 in respect of the import of sugar originating in Croatia by the applicant from 26 June 2002, which is the subject-matter of the request made by the Republic of Austria of 10 June 2005, should be discounted;

— in the alternative to the second form of order sought, order the defendant to find that the import duties amounting to EUR 110 937,60 in respect of the import of sugar originating from Croatia by the applicant from 26 June 2002, which is the subject-matter of the request made by the Republic of Austria of 10 June 2005, should be remitted.

Pleas in law and main arguments

The applicant challenges Commission Decision C(2006) 5789 final of 4 December 2006 finding, first, that, as regards a specified amount, the subsequent entry into the accounts of import duties was not justified and, secondly, that, as regards a further amount, the subsequent entry into the accounts of import duties was justified and that the remission of those duties in a particular case was not justified (request of the Republic of Austria).

In this decision directed at the Republic of Austria, the Commission came to the conclusion, applying Regulation (EEC) No 2913/92 ⁽¹⁾ ('the Customs Code of the Communities') and Regulation (EEC) No 2454/93 ⁽²⁾, that the subsequent entry into the accounts of import duties amounting to EUR 110 937,60 should not be discounted and that the remission of those import duties was not justified.

In support of its claim, the applicant argues that the contested decision is unlawful, because the conditions for the discounting of the subsequent entry of the import duties in the accounts under Article 220(2)(b) of the Customs Code of the Communities or for the remission of the subsequently entered import duties under Article 239 of the Customs Code of the Communities are satisfied.

⁽¹⁾ Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ 1992 L 302, p. 1).

⁽²⁾ Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (OJ 1993 L 253, p. 1).

Action brought on 19 February 2007 — Trade-Stomil v Commission

(Case T-53/07)

(2007/C 95/93)

*Language of the case: English***Parties***Applicant:* Trade-Stomil Sp z o. o. (Łódź, Poland) (represented by: F. Carlin, barrister, E. W. Batchelor, solicitor)*Defendant:* Commission of the European Communities**Form of order sought**

— Annulment of the decision, in particular Articles 1 to 4 thereof, to the extent that it applies to Trade-Stomil; or

— annulment of Article 2 of the decision insofar as it pertains to Trade-Stomil; or

— modification of Article 2 of the decision as it pertains to Trade-Stomil, so as to annul or substantially reduce the fine imposed on Trade-Stomil therein; and, in any event,

— order that the Commission pay its own costs and Trade-Stomil's costs in connection with these proceedings.