

- Absence of conditions for the joint and several liability of Schindler Holding Ltd;
- Breach of Article 23(2) of Regulation No 1/2003 on the ground that the maximum limits for fines were exceeded.

- (<sup>1</sup>) Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (OJ 2003 L 1, p. 1).
- (<sup>2</sup>) Guidelines on the method of setting fines imposed pursuant to Article 15(2) of Regulation No 17 and Article 65(5) of the ECSC Treaty (OJ 1998 C 9, p. 3).
- (<sup>3</sup>) Commission notice on immunity from fines and reduction of fines in cartel cases (OJ 2002 C 45, p. 3).

### Action brought on 2 May 2007 — Pioneer Hi-Bred International v Commission

(Case T-139/07)

(2007/C 155/53)

*Language of the case: English*

#### Parties

*Applicant:* Pioneer Hi-Bred International Inc. (Johnston, USA) (represented by: J. Temple Lang, Solicitor)

*Defendant:* Commission of the European Communities

#### Form of order sought

- Find that the Commission has failed to act in accordance with Article 18 of Directive 2001/18 on the deliberate release into the environment of genetically modified organisms, in having failed to submit to the Regulatory Committee a draft of the measures to be taken pursuant to Article 5(2) of the Council decision;
- order the Commission to pay the applicant's costs.

#### Pleas in law and main arguments

The applicant claims, pursuant to Article 232 EC, that the Commission has failed to act, in infringement of Article 18 of Directive 2001/18/EC on the deliberate release into the environment of genetically modified organisms (<sup>1</sup>), to ensure the adoption of a decision concerning the applicant's notification for the placing on the market of insect-resistant genetically modified maize 1507.

The applicant contends that under the procedure set out in the directive, the Commission is obliged to ensure that a decision on a notification is adopted and published within the period of

time prescribed in the directive. The applicant furthermore submits that by failing to submit to the Regulatory Committee a draft of the measures to be taken the Commission failed to ensure that such a decision was adopted even though all requirements on the applicant and other parties under the directive had been completed in accordance with the directive.

The applicant moreover submits that the Commission has been called upon to define its position within the terms of Article 232 EC which the Commission has failed to do. This has, according to the applicant, had adverse effects on the applicant's legal situation.

- (<sup>1</sup>) Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC (OJ 2001 L 106, p. 1).

### Action brought on 26 April 2007 — Chi Mei Optoelectronics Europe and Chi Mei Optoelectronics UK v Commission

(Case T-140/07)

(2007/C 155/54)

*Language of the case: English*

#### Parties

*Applicants:* Chi Mei Optoelectronics Europe BV (Hoofddorp, The Netherlands), Chi Mei Optoelectronics UK Ltd (Havant, United Kingdom) (represented by: S. Völcker, F. Louis, A. Vallery, lawyers)

*Defendant:* Commission of the European Communities

#### Form of order sought

- The applicants respectfully ask the Court to
- annul the contested decision in its entirety; and
  - order the Commission to bear the costs.

#### Pleas in law and main arguments

By means of their application the applicants seek annulment of Commission Decision C (2007)546 of 15 February 2007 on the basis of which the Commission, has compelled the applicants, pursuant to Article 18(3) of Council Regulation No 1/2003 (<sup>1</sup>), to provide specific information and documents related to practices under investigation in Case COMP/F/39309 — Thin Films Transistors Liquid Crystal Displays.