

Order of the Court of First Instance of 20 December 2007
— **Dascalu v Commission**

(Case T-430/03) ⁽¹⁾

(Staff cases — Officials — Interlocutory judgment — No need to adjudicate)

(2008/C 64/61)

Language of the case: French

Parties

Applicant: Iosif Dascalu (Kraainem, Belgium) (represented by: N. Lhoëst, lawyer)

Defendant: Commission of the European Communities (represented by: C. Berardis-Kayser and L. Lozano Palacios, originally, and subsequently by C. Berardis-Kayser and H. Krämer, Agents)

Re:

First, application for annulment of the Commission's decisions of 23 December 2002 and 14 April 2003 altering the applicant's classification in grade, in so far as they fix his classification in step on recruitment in step 1 of Grade A6, and fix 5 October 1995 as the date on which the decisions were to have pecuniary effect, and did not re-establish the applicant's career grade and, in so far as necessary, an application for annulment of the decisions rejecting the applicant's complaints and, second, an application for compensation for the damage allegedly caused by those decisions

Operative part of the order

1. *There is no longer any need to adjudicate on this action.*
2. *The Commission shall pay all the costs.*

⁽¹⁾ OJ C 47, 21.2.2004.

Order of the Court of First Instance of 12 December 2007
— **Atlantic Container Line and Others v Commission**

(Case T-113/04) ⁽¹⁾

(Enforcement of a judgment of the Court of First Instance — Repayment of the costs of bank guarantees provided in order to defer payment of a fine imposed by the Commission and subsequently annulled by the Court of First Instance — Action for annulment and damages — Non-contractual liability of the Community — No direct causal link between the allegedly unlawful conduct of the institution and the damage claimed)

(2008/C 64/62)

Language of the case: English

Parties

Applicants: Atlantic Container Line AB (Göteborg, Sweden); Transportación Marítima Mexicana SA de CV (Mexico, Mexico); Hanjin Shipping Co. Ltd (Seoul, South Korea); Hyundai Merchant Marine Co. Ltd (Seoul); Mediterranean Shipping Co. SA (Geneva, Switzerland); Neptune Orient Lines Ltd (Singapore, Singapore); Orient Overseas Container Line (UK) Ltd (Suffolk, United Kingdom); P & O Nedlloyd Container Line Ltd (London, United Kingdom); Sea-Land Service, Inc. (Jacksonville, Florida, United States) (represented initially by J. Pheasant, M. Levitt and K. Nicholson, and subsequently by M. Levitt and K. Nicholson, solicitors)

Defendant: Commission of the European Communities (represented by P. Oliver, acting as Agent)

Re:

Application, first, for annulment of the Commission letter of 6 January 2004 refusing to repay the costs of the bank guarantees which the applicants entered into following the imposition of fines by Commission Decision 1999/243/EC of 16 September 1998 relating to a proceeding pursuant to Articles 85 and 86 of the EC Treaty (now Articles 81 EC and 82 EC) (Case No IV/35.134 — Trans Atlantic Conference Agreement) (OJ 1999 L 95, p. 1), annulled by judgment of the Court of First Instance of 30 September 2003 in Joined Cases T-191/98 and T-212/98 to T-214/98 Atlantic Container Line and Others v Commission [2003] ECR II-3275, and, second, for damages seeking repayment of the costs of the bank guarantees.

Operative part of the order

1. *The action is dismissed.*