

investment which had been made in full long before. The applicant considered that it did not conclude a separate sale of the installations and equipment but transferred its entire business, comprising the fish hatchery, clearly maintaining the undertaking as a going concern.

- breach of the principle of legal certainty and of Articles 38 and 44 of Regulation No 4028/86. The applicant observes in that connection that, in the light of the exhaustive manner in which that regulation lays down the conditions for initiation of the procedure for suspension/cancellation/reduction of the contributions, it can hardly be said that the term 'significant alteration of the project' covers a mere change in the ownership of the business.

(¹) Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of different Structural Funds between themselves and with the operations of the European Investment Bank and other existing financial instruments (OJ L 374, 31. 12. 1988, p. 1).

(²) Council Regulation (EEC) No 4028/86 of 18 December 1986 on Community measures to improve and adapt structures in the fisheries and aquaculture sector (OJ L 376, 31. 12. 1986, p. 7).

Action brought on 24 October 1997 by DFDS Transport BV against the Commission of the European Communities

(Case T-279/97)

(97/C 387/44)

(Language of the case: English)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 24 October 1997 by DFDS Transport BV, represented by Catherine Grisart, of the Brussels Bar, with an address for service in Luxembourg at the office of Stef Oostvogels, 13 Rue Aldringen, Luxembourg.

The applicant claims that the Court should:

- annul the decision of the European Commission of 5 June 1997, No C(97) 1636 def./1, under reference REM 26/96 (not published in the *Official Journal of the European Communities*), based on Article 173 of the Rome Treaty,
- acknowledge that the applicant reserves all its rights to bring at a later stage an action for damages against the defendant,
- order the defendant to bear all costs of the proceedings, including all costs fees and expenses of the applicant.

Pleas in law and main arguments adduced in support:

The pleas in law and main arguments are similar to those submitted in Cases T-186/97, T-187/97, T-190/97, T-191/97, T-192/97, T-210/97, T-211/97, T-216/97, T-217/97 and T-218/97 (¹).

(¹) OJ C 318, 18. 10. 1997, p. 17—25.

Action brought on 24 October 1997 by Wilson Holland BV against the Commission of the European Communities

(Case T-280/97)

(97/C 387/45)

(Language of the case: English)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 24 October 1997 by Wilson Holland BV, represented by Catherine Grisart, of the Brussels Bar, with an address for service in Luxembourg at the office of Stef Oostvogels, 13 Rue Aldringen, Luxembourg.

The applicant claims that the Court should:

- annul the decision of the European Commission of June 5, 1997 No C(97) 1636 def./2, under reference REM 26/96 (not published in the *Official Journal of the European Communities*), based on Article 173 of the Rome Treaty,
- acknowledge that the applicant reserves all its rights to bring at a later stage an action for damages against the defendant,
- order the defendant to bear all costs of the proceedings, including all costs fees and expenses of the applicant.

Pleas in law and main arguments adduced in support:

The pleas in law and main arguments are similar to those submitted in Cases T-186/97, T-187/97, T-190/97, T-191/97, T-192/97, T-210/97, T-211/97, T-216/97, T-217/97 and T-218/97 (¹) and T-279/97 (²).

(¹) OJ C 318, 18. 10. 1997, p. 17—25.

(²) See page 24 of this Official Journal.