

COURT OF FIRST INSTANCE

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 12 October 1999

in Case T-48/96: Acme Industry Co. Ltd v Council of the European Union⁽¹⁾

(Dumping — Articles 2(3)(b)(ii) and 2(10)(b) of Regulation (EEC) No 2423/88 — Retroactive application of Regulation (EC) No 3283/94 — Constructed normal value — Establishing sales, general and administrative expenses and profit margin — Reliability of data — Treatment of import duties and indirect taxes)

(1999/C 352/54)

(Language of the case: English)

In Case T-48/96 Acme Industry Co. Ltd, established in Bangkok, represented by Jacques Bourgeois, of the Brussels Bar, with an address for service in Luxembourg at the Chambers of Marc Loesch, 8 Rue Zithe v Council of the European Union (Agents: Antonio Tanca, Hans-Jürgen Rabe and Georg M. Berrisch), supported by Commission of the European Communities (Agent: Nicholas Khan) and French Republic (Agents: Kareen Rispal-Bellanger and Sujiro Seam) — application for the annulment of Council Regulation (EC) No 5/96 of 22 December 1995 imposing definitive anti-dumping duties on imports of microwave ovens originating in the People's Republic of China, the Republic of Korea, Malaysia and Thailand and collecting definitively the provisional duty imposed (OJ 1996 L 2, p. 1) — the Court (Fifth Chamber, Extended Composition), composed of: J.D. Cooke, President, R. Garcia-Valdecasas, P. Lindh, J. Pirrung and M. Vilaras, Judges; H. Jung, Registrar, has given a judgment on 12 October 1999, in which it:

1. Dismisses the action;
2. Orders the applicant to bear its own costs and to pay those of the Council;
3. Orders the Commission and the French Republic to bear their own costs.

⁽¹⁾ OJ C 180 of 22.6.1996.

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 14 October 1999

in Joined Cases T-191/96 and T-106/97: CAS Succhi di Frutta SpA v Commission of the European Communities⁽¹⁾

(Common agricultural policy — Food aid — Tendering procedure — Payment of successful tenderers in fruit other than those specified in the notice of invitation to tender)

(1999/C 352/55)

(Language of the case: Italian)

In Joined Cases T-191/96 and T-106/97: CAS Succhi di Frutta SpA, established in Castagnaro, Italy, represented by Alberto Miele, of the Padua Bar, Antonio Tizzano and Gian Michele Roberti, of the Naples Bar, and Carlo Scarpa, of the Venice Bar against Commission of the European Communities (Agents: Paolo Ziotti and Alberto Dal Ferro) — application for annulment of Commission Decisions C (96) 2208 of 6 September 1996 (Case T-191/96) amending its decision of 14 June 1996, and C (96) 1916 of 22 July 1996 (Case T-106/97) on the supply of fruit juice and fruit jams intended for the people of Armenia and Azerbaijan provided for in Regulation (EC) No 228/96 — the Court of First Instance (Second Chamber), composed of A. Potocki, President, C.W. Bellamy and A.W.H. Meij, Judges; H. Jung, Registrar, has given a judgment on 14 October 1999, in which it:

1. Annuls Commission Decision C (96) 2208 of 6 September 1996;
2. Dismisses the application in Case T-106/97 as inadmissible;
3. Orders the Commission to pay the costs in Case T-191/96, orders each party to bear its own costs in Case T-191/96 R, and orders the applicant to pay the costs relating to Case T-106/97.

⁽¹⁾ OJ C 94 of 22.3.1997 and C 199 of 28.6.1997.