

The applicant alleges:

- infringement of the rights of defence and the principle of open administration;
- infringement of the procedural rules laid down in Articles 5 and 6 of Regulation (EC) No 2943/95;
- infringement of the principle of proportionality;
- misuse of power.

- misuse of powers: the importation of EU/OCT sugar and mixtures from the OCTs arises directly from the OCT decision, and is a result intended by the Council;
- the declaration that Article 308d of Regulation No 2454/93 is applicable is incompatible with Article 109 of the OCT decision.

Action brought on 25 February 2000 by Rica Foods (Free Zone) NV against the Commission of the European Communities

(Case T-47/00)

(2000/C 135/40)

(Language of the case: Dutch)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 25 February 2000 by Rica Foods (Free Zone) NV, a company incorporated under the laws of Aruba, established in Oranjestad, Aruba, represented by G. van der Wal, Advocaat with a right of audience before the Hoge Raad der Nederlanden, with an address for service in Luxembourg at the Chambers of A. May, 398 Route d'Esch.

The applicant claims that the Court should:

- annul Commission Regulation (EC) No 2423/1999 of 15 November 1999 introducing safeguard measures in respect of sugar falling within CN code 1701 and mixtures of sugar and cocoa falling within CN codes 1806 10 30 and 1806 10 90 originating in the overseas countries and territories (OJ 1999 L 294, p. 11);
- order the Commission to pay the costs.

Pleas in law and principal arguments

- Regulation No 2423/1999 is incomprehensible; at any rate, it contains an insufficient statement of reasons: in support of the safeguard measures, the Commission cites difficulties in respect of which no details are given;
- manifest errors with regard to the facts;
- the fixing of a minimum price for imports of EU/OCT sugar from the OCTs constitutes an infringement of Article 109(1) and (2) of the OCT decision;

Action brought on 1 March 2000 by British Steel Limited against the Commission of the European Communities

(Case T-48/00)

(2000/C 135/41)

(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 1 March 2000 by British Steel Limited, represented by John Pheasant and Matthew Readings, Solicitors, with an address for service in Luxembourg at the Chambers of Arendt & Medernach, 8-10 rue Mathias Hardt.

The applicant claims that the Court should:

- annul Article 2 of the Commission decision of 8 December 1999, C(1999) 4154 final;
- annul Article 1 of this decision;
- annul the fine imposed in respect of Article 1;
- in the alternative, reduce the fine imposed in respect of Article 1;
- order the Commission to repay the fine or, in the alternative, the amount by which it is reduced together with interest on the whole or, as the case may be, such amount by which it is reduced from the date of payment by British Steel to the date of repayment by the Commission;
- order the Commission to pay British Steel's costs in these proceedings.

Pleas in law and main arguments

In the contested decision the Commission held that several producers of seamless steel tubes infringed Article 81 (1) EC and imposed a fine, inter alia, on the applicant.