

dorf, with an address for service in Luxembourg at the Chambers of Bonn and Schmidt, 7 Val Sainte-Croix, v Commission of the European Communities (Agents: H. Støvlbæk and B. Wägenbaur) — application for suspension of operation of the Commission's decision of 9 March 2000 on withdrawal of authorisation for medicinal products for human use which contain 'amfepramon' (C(2000) 453) — the President of the Court of First Instance made an order on 28 June 2000, the operative part of which is as follows:

1. *Operation of the Commission's decision of 9 March 2000 on withdrawal of authorisation for medicinal products for human use which contain 'amfepramon' (C(2000) 453) is suspended with regard to the applicant.*
2. *Costs are reserved.*

ORDER OF THE PRESIDENT OF THE COURT OF FIRST INSTANCE

of 18 May 2000

in Case T-75/00 R: Augusto Fichtner v Commission of the European Communities

(Proceedings for interim relief — Urgency — None)

(2000/C 273/22)

(Language of the case: Italian)

In Case T-75/00 R: Augusto Fichtner, an official of the Commission of the European Communities, in service at the Joint Research Centre (JRC), Ispra, residing at Besozzo (Italy), represented by V. Salvatore, of the Pavia Bar, of Via Speroni 14, Varese, v Commission of the European Communities (Agent: G. Valsesia) — application for interim measures in the form of suspension of operation of the decision removing him from his post, adopted by the Commission on 30 September 1999 — the President of the Court of First Instance made an order on 18 May 2000, the operative part of which is as follows:

1. *The application for interim measures is dismissed.*
 2. *The costs are reserved.*
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Action brought on 30 June 2000 by Koninklijke Philips Electronics N.V. against the Council of the European Union.

(Case T-177/00)

(2000/C 273/23)

(Language of the case: English)

An action against the Council of the European Union was brought before the Court of First Instance of the European Communities on 30 June 2000 by Koninklijke Philips Electronics N.V., represented by Clive Stanbrook Q.C. and Filip Ragolle of Stanbrook-Hooper, Brussels.

The applicant claims that the Court should:

- declare void, pursuant to Articles 230 and 231 EC, the Council's decision to reject the Commission proposal for a Council Regulation imposing a definitive anti-dumping duty on imports of certain parts of television camera systems originating in Japan;
- order, pursuant to Articles 235 and 288(2) EC, the Council to make good any damage caused to the applicant by its unlawful rejection of the Commission's proposal for a Regulation or, alternatively, its failure to impose adequate protective measures before the expiry of the 15 month deadline;
- order that the costs of the proceedings be borne by the Council.

Pleas in law and main arguments

The present application arises out of the fact that the Council did not adopt the Commission's proposal of 7 April 2000 for a Council Regulation imposing a definitive anti-dumping duty on imports of certain parts of television camera systems originating in Japan (COM(2000) 195 final). According to the applicant, the Council's failure to achieve a simple majority in support of the Commission's proposal combined with the expiry of the 15-month time limit of Article 6(9) of the Basic Regulation⁽¹⁾ amounts to a definitive negative decision, which it challenges in the present case.

The applicant's case for annulment falls basically into two alternative parts. On the one hand, the applicant argues that, at the end of the 15-month time limit, the Council ultimately had no power to reject the Commission's proposal, since it had previously failed to involve itself in the fact finding and procedural aspects of the case. Under the current Basic Regulation, the Council has limited itself to the possibility of amending some of the modalities of the proposal, while

remaining within the limits of the findings of fact made by the Commission. On the other hand, in the assumption that the Council did have power to reject the proposal, such rejection was illegal in the present case, because it constituted

- a wilful disregard or manifest error of appreciation of the facts found by the Commission
- a denial of procedural rights and legitimate expectations of the complainants
- a failure to state adequate reasons as required by Article 253 EC

Finally, the applicant claims that the Council is liable under Article 288(2) EC because its failure to adopt protective measures amounts to unlawful conduct which caused and continues to cause damage to the applicant.

(1) Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community, OJ 1996 L 56, p. 1, as last amended by Council Regulation (EC) No 905/98 of 27 April 1998, OJ L 128, p. 18.

Action brought on 6 July 2000 by Carmelo Morello against the Commission of the European Communities

(Case T-181/00)

(2000/C 273/24)

(Language of the case: French)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 6 July 2000 by Carmelo Morello, residing in Brussels, represented by Jacques Sambon and Pierre Paul Van Gehuchten, of the Brussels Bar.

The applicant claims that the Court should:

- annul the Commission's decision rejecting his application for post COM/090/99 IV/C/1 as head of unit with responsibility for directing and coordinating the work of the 'Telecommunications and Postal Services' unit within the Information, Communications and Multimedia Directorate, and annul all preparatory acts adopted in anticipation of that decision which may themselves prove to be irregular;

- annul the Commission's decision to appoint another person to fill that post;
- in so far as may be necessary, annul the implicit decision of the appointing authority rejecting the pre-litigation claim made by the applicant;
- award the sum of 120 000 euro, subject to increase or decrease during the course of the proceedings, by way of compensation for the non-material damage suffered by the applicant as a result of the irregular or incomplete information gathered by the defendant in relation to the applicant's personal file and the state of uncertainty and worry in which he has been placed with regard to his future career;
- award the sum of 25 000 euro, subject to increase or decrease during the course of the proceedings, by way of compensation for the material damage suffered by the applicant as a result of his having been rejected as a candidate for the post to be filled and of his having thus lost an opportunity of promotion;
- order the Commission to pay all the costs.

Pleas in law and main arguments

The pleas in law and main arguments are similar to those in Cases T-135/00, T-136/00 and T-164/00.

Action brought on 13 July 2000 by S.A. Strabag Benelux N.V. against the Council of the European Union

(Case T-183/00)

(2000/C 273/25)

(Language of the case: French)

An action against the Council of the European Union was brought before the Court of First Instance of the European Communities on 13 July 2000 by S.A. Strabag Benelux N.V., established at Stabroek (Belgium), represented by André Delvaux, of the Brussels Bar.