

Secondly, despite not being in possession of documentary evidence to prove that he had participated in the elections, the appointing authority did not grant even a single day in respect of travelling time to the applicant, who had travelled from his place of work to the place where elections were being held. The appointing authority's refusal to grant him even the minimum amount of travelling time is a manifest breach of the principle of proportionality.

Following an exchange of correspondence with the Commission, the applicant sent the defendant a letter calling upon it to act pursuant to Article 232 EC. However, even after being so called upon, the Commission has failed to define its position. Therefore the applicant states that, some 20 months after the lodging of the complaint, the Commission has not defined its position with regard to the preliminary inquiry undertaken by it.

In support of its claims, the applicant alleges breach of the principle of good administration, inasmuch as the Commission ought to have concluded the preliminary stage of the procedure within a reasonable time.

Secondly, the defendant has failed to define its position with regard to the requests contained in the complaint.

**Action brought on 29 January 2001 by Fiocchi Munizioni SpA against Commission of the European Communities**

(Case T-26/01)

(2001/C 108/47)

(Language of the case: Italian)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 29 January 2001 by Fiocchi Munizioni SpA, represented by Ivo Van Bael, Enrico Adriano Raffaelli, Fabrizio Di Gianni and Renato Antonini, avvocati.

The applicant claims that the Court should:

- declare, on the grounds set forth in the present application and as a consequence thereof, that the Commission has failed to fulfil its obligations under Article 232 EC by failing to act with respect to the complaint of the applicant, having refrained from adopting the appropriate decisions and not having addressed the requisite acts;
- order the Commission to pay the costs; and
- adopt any other necessary and equitable measure.

*Pleas in law and main arguments*

The applicant in the present proceedings — an undertaking involved in the manufacture and marketing of arms and munitions — claims to have lodged with the Commission a complaint relating to State aid allegedly granted by the Kingdom of Spain to E.N. Santa Barbara, having its registered office in Spain. In that complaint, the applicant pointed out that the alleged aid gave rise to serious distortion of competition in the market for arms, in which it is in direct competition with E.N. Santa Barbara.

**Action brought on 9 February 2001 by the Territorio Histórico de Alava — Diputación Foral de Alava against the Commission of the European Communities**

(Case T-30/01)

(2001/C 108/48)

(Language of the case: Spanish)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 9 February 2001 by the Territorio Histórico de Alava — Diputación Foral de Alava, established in Alava (Spain), represented by Marta Morales Isasi and Ignacio Sáenz-Cortabarría Fernández, lawyers.

The applicant claims that the Court should:

- annul the Commission's decision of 28 November 2000 initiating the procedure provided for by Article 88(2) EC with regard to Article 14 of Norma Foral 18/1993;
- order the Commission to pay the costs.

*Pleas in law and main arguments*

The measure to which the contested decision relates is contained in Article 14 of the Norma Foral No 18/1993 of the Territorio Histórico de Alava of 5 July 1993 concerning urgent fiscal measures in support of investment and the promotion of economic activity. That measure concerns the grant of an exemption from corporation tax to undertakings founded in 1993 and 1994, and was adopted as part of a whole series of fiscal measures in support of investment and the promotion of economic activity.