

Action brought on 25 February 2005 by UCB SA against the Commission of the European Communities

(Case T-111/05)

(2005/C 115/57)

(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 25 February 2005 by UCB SA, Brussels, represented by Jacques Bourgeois, Jean-François Bellis and Martin Favart, lawyers.

The applicant claims that the Court should:

- annul the Commission Decision of 9 December 2004 in Case COMP/E-2/37.533 relating to a proceeding under Article 81 EC — Choline Chloride;
- at the very least, annul the fine imposed on UCB by that decision, or substantially reduce the amount thereof;
- order the Commission to pay the costs.

Pleas in law and main arguments

The decision contested in the present case is the same as that forming the subject-matter of Case T-101/05 *BASF v Commission* ⁽¹⁾. By that decision, the Commission found that the six companies to which the decision was addressed infringed Article 81(1) of the EC Treaty by participating in a series of agreements and concerted practices consisting of price fixing, market sharing and agreed actions against competitors (control of processors) in the choline chloride sector in the European Economic Area. That anti-competitive conduct manifested itself at two different but closely-linked areas, namely world level and European level.

In support of its application, the applicant claims:

- that the contested decision was wrong to characterise the infringement as a single and continuous infringement, when in reality there must be two separate infringements: a worldwide cartel, from October 1992 to April 1994, and an intra-Community cartel, from March 1994 to September 1998. In the applicant's submission, the Commission's argu-

ment would have the effect, if not the object, of avoiding the application of the rules on limitation;

- the Commission was wrong to impose a fine on the applicant in respect of both the worldwide cartel, when that infringement was already time-barred, and the intra-Community cartel, in the light of the Commission's leniency notices. If the defendant had drawn that distinction, as it should have done, it would necessarily have arrived at the conclusion that no fine must be imposed in this case;
- in the alternative, the infringement found against the applicant would have been time-barred, in the absence of the information voluntarily supplied by the applicant itself in 1999.

⁽¹⁾ Not yet published in the OJEU.

Action brought on 28 February 2005 by Angel Angelidis against the European Parliament

(Case T-113/05)

(2005/C 115/58)

(Language of the case: French)

An action against the European Parliament was brought before the Court of First Instance of the European Communities on 28 February 2005 by Angel Angelidis, residing in Luxembourg, represented by Eric Boigelot, lawyer.

The applicant claims that the Court should:

- annul the decision taken by the Secretary-General of Parliament on 24 March 2004 to reject the candidature of the applicant for the A2 post of Director D (Budgetary Affairs) in the 'Internal Policies' DG (Notice of Vacancy No 10069) to which another candidate was appointed;
- annul the appointment of the other candidate for the post;