

**Operative part of the judgment**

The Court:

1) *Annuls Commission Decision 2003/2/EC of 21 November 2001 relating to a proceeding pursuant to Article 81 EC and Article 53 of the EEA Agreement (Case COMP/E-1/37.512 — Vitamins) in so far as it concerns the applicants;*

2) *Orders the defendant to pay the costs.*

(<sup>1</sup>) OJ C 109 of 4.5.2002.

**Judgment of the Court of First Instance of 27 September 2005 — Common Market Fertilizers v Commission of the European Communities**

(Joined Cases T-134/03 and T-135/03) (<sup>1</sup>)

*(Remission of import duties — Article 1(3) of Regulation (EC) No 3319/94 — Invoicing direct to importer — ‘Group of experts’ within the meaning of Article 907 of Regulation (EEC) No 2454/93 — Rights of the defence — ‘Obvious negligence’ within the meaning of Article 239 of Regulation (EEC) No 2913/92 — Obligation to state reasons)*

(2005/C 296/44)

*Language of the case: French*

**Parties**

*Applicant(s):* Common Market Fertilizers (Brussels, Belgium) (represented by A. Sutton and N. Flandin, lawyers)

*Defendant(s):* Commission of the European Communities (represented by X. Lewis, Agent)

**Application for**

annulment of Commission Decisions C (2002) 5217 final and C (2002) 5218 final of 20 December 2002 finding that the remission of import duties was not justified in a particular case.

**Operative part of the judgment**

The Court:

1) *Dismisses the applications.*

2) *Orders the applicant, in addition to bearing its own costs, to pay those incurred by the Commission.*

(<sup>1</sup>) OJ C 158, 5.7.2003.

**Judgment of the Court of First Instance of 5 October 2005 — Rasmussen v Commission**

(Case T-203/03) (<sup>1</sup>)

*(Officials — False statements concerning mission expenses — Disciplinary proceedings — Reprimand — Rules on languages — Medical confidentiality)*

(2005/C 296/45)

*Language of the case: French*

**Parties**

*Applicant(s):* Lars Bo Rasmussen (Hellerup, Denmark) (represented by: G. Bouneou and F. Frabetti, lawyers)

*Defendant(s):* Commission of the European Communities (represented by: J. Currall and V. Joris and subsequently by V. Joris and M. Patkova, Agents)

**Application for**

(i) annulment of the Commission's decision of 1 July 2002 imposing on the applicant the disciplinary measure of a reprimand for false statements concerning mission expenses, (ii) restitution of amounts recovered pursuant to Article 85 of the Staff Regulations of Officials of the European Communities and (iii) compensation for the non-material damage allegedly sustained

**Operative part of the judgment**

The Court:

1) *Dismisses the action;*

2) *Orders the applicant to bear his own costs and half of the costs incurred by the Commission;*

3) *Orders the Commission to bear half of its own costs.*

(<sup>1</sup>) OJ C 200, 23.8.2003.