

The applicant contends that the Council has infringed essential procedural requirements and misused its powers by adopting the contested regulation without properly considering the underlying proceedings conducted by the Commission.

According to the applicant, the Commission i) did not properly examine the standing of the complainants and/or failed to make a proper determination of their standing, ii) considered irrelevant information and/or failed to take available information into account, iii) made an inadequate assessment of the injury to the relevant Community industry, iv) failed to establish that there was a Community interest in imposing duties on imports, and v) infringed the applicant's rights of defence.

The applicant alleges that this amounts to an abuse of powers.

⁽¹⁾ OJ 2006 L 270, p. 4.

Action brought on 4 December 2006 — Calebus v Commission

(Case T-366/06)

(2007/C 20/44)

Language of the case: Spanish

Parties

Applicant: Calebus, S.A. (Almería, Spain) (represented by: R. Bocanegra Sierra, lawyer)

Defendant: Commission of the European Communities

Form of order sought

- Annul Commission Decision 2006/613/EC of 19 July 2006 (OJ 2006 L 259, p.1) approving the list of sites of Community importance for the Mediterranean biogeographical region, in relation to the inclusion of the farm 'Las Cuerdas' as a SCI 'ES6110006 Ramblas de Gergal, Tabernas y Sur de Sierra Alhamilla', appearing on that list, and order the Commission to change the delimitation of that SCI so as to exclude the farm referred to.

Pleas in law and main arguments

In support of its claims, the applicant submits that the contested decision is:

- contrary to Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna

and flora, ⁽¹⁾ in so far as it includes some areas of the appellant's property in SCI ES 6110006 which lack the necessary environmental requirements; and

- arbitrary, in that it has excluded, in that same zone, areas which have the required environmental values which call for classification as a SCI.

⁽¹⁾ OJ L 206, 22.7.1992, p. 7

Action brought on 4 December 2006 — Kuwait Petroleum Corp. and others v Commission

(Case T-370/06)

(2007/C 20/45)

Language of the case: English

Parties

Applicants: Kuwait Petroleum Corp. (Shuwaikh, Kuwait), Kuwait Petroleum International Ltd (Woking, United Kingdom), and Kuwait Petroleum (Nederland) BV (Rotterdam, The Netherlands) (represented by: D.W. Hull, Dr. G. M. Berrisch, lawyers)

Defendant: Commission of the European Communities

Form of order sought

- Annul Commission's Decision C(2006)4090 of 13 September 2006 insofar as it applies to the applicants; in the alternative
- reduce the amount of the fine imposed;
- in any event, order the Commission to bear the costs of these proceedings.

Pleas in law and main arguments

By a decision adopted on 13 September 2006 (the 'contested decision'), the Commission imposed on Kuwait Petroleum Corp. ('KPC'), Kuwait Petroleum International Ltd ('KPI') and Kuwait Petroleum (Nederland) BV ('KPN'), the applicants, jointly and severally, a fine of EUR 16.632 million for infringing Article 81 EC by fixing prices in the Dutch bitumen market. Each of the applicants hereby seeks the annulment of the contested decision or, in the alternative, a reduction of the fine on the following grounds: