

**Action brought on 9 July 1987 by the European Independent Steelworks Association against the Commission of the European Communities**

(Case 209/87)

(87/C 203/09)

An action against the Commission of the European Communities was brought before the Court of Justice of the European Communities on 9 July 1987 by the European Independent Steelworks Association, represented by Michel Waelbroeck and A. Vandencastele of the Brussels Bar, with an address for service in Luxembourg at the Chambers of E. Arendt, of the Luxembourg Bar, 34 rue Philippe II.

The applicant claims that the Court should:

- (i) annul Commission Decision No 1433/87/ECSC<sup>(1)</sup> of 20 May 1987 on converting a proportion of the production quotas into quotas for delivery on the common market;
- (ii) order the defendant to pay the costs.

*Contentions and main arguments adduced in support:*

Misuse of power:

- By the contested decision the Commission grants aid (see the third recital) without observing the procedural and substantive rules laid down in the ECSC Treaty (Articles 54 to 56), whereas Article 58 of the Treaty, which the Commission purports to apply, far from permitting the grant of aid, is intended to give the Commission the means to manage a crisis by imposing sacrifices on undertakings.
- That aid adversely affects the attainment of the aim of balance of Article 58 of the ECSC Treaty as it was understood by the Commission itself upon the introduction of 'delivery' quotas by Decision No 1831/81/ECSC. The disregard of that aim is aggravated by the fact that the Commission leaves it to the undertakings themselves to decide for which quarter, for which type of product and the extent to which they will make use of the possibilities offered for converting quotas. By also making its decision retroactive, the Commission has seen to it that the cumu-

<sup>(1)</sup> OJ No L 136, 26. 5. 1987, p. 37.

lative effect of the application of the contested decision on three quarters will be felt in the third quarter of 1987.

- The Commission has used the powers given to it by Article 18 of Decision No 3485/85/ECSC to transfer management to the undertakings.
- The Commission is using the powers given to it by Article 18 of Decision No 3485/85/ECSC to alter the very basis of the quota system without consulting the Consultative Committee and without the assent of the Council.
- The Commission has used its powers under Article 18 of Decision No 3485/85/ECSC without observing the limits imposed on its action by the general principles of Community law in order to attain an aim other than that for which those powers were granted.

**Action brought on 13 July 1987 by Cockerill Sambre SA against the Commission of the European Communities**

(Case 214/87)

(87/C 203/10)

An action against the Commission of the European Communities was brought before the Court of Justice of the European Communities on 13 July 1987 by Cockerill Sambre SA, represented by M. Waelbroeck and A. Vandencastele of the Brussels Bar, with an address for service in Luxembourg at the Chambers of E. Arendt, of the Luxembourg Bar, 34 rue Philippe II.

The applicant claims that the Court should:

- (i) annul Commission Decision No 1433/87/ECSC<sup>(1)</sup> of 20 May 1987 on converting a proportion of the production quotas into quotas for delivery on the common market;
- (ii) order the defendant to pay the costs.

*Contentions and main arguments adduced in support:*

The contentions and main arguments adduced in support are the same as those in Case 209/87.

<sup>(1)</sup> OJ No L 136, 26. 5. 1987, p. 37.