

**Reference for a preliminary ruling by the VAT and Duties Tribunals, London Tribunal Centre, by decision of that court dated 5 July 2002, in the case of Fast Forward Resources plc against Commissioners of Customs and Excise**

**(Case C-254/02)**

(2002/C 202/23)

Reference has been made to the Court of Justice of the European Communities by a decision of the VAT and Duties Tribunals, London Tribunal Centre, dated 5 July 2002, which was received at the Court Registry on 11 July 2002, for a preliminary ruling in the case of Fast Forward Resources plc and Commissioners of Customs and Excise on the following questions:

- (i) In Commission Regulation (EC) 152/1999 <sup>(1)</sup> what is the proper meaning and legal effect of the term 'registration shall expire' used in Article 3?
- (ii) If Article 3 of Commission Regulation (EC) 152/1999 means that the whole process of registration envisaged by the Regulation fails: (a) does this render Council Regulation (EC) 175/2000 <sup>(2)</sup> ineffective in relation to the imports of leather handbags into the European Union before midnight on 23 October 1999; and (b) in relation to what products, if any, is Article 1.4 of Commission Regulation (EC) 175/2000 effective in imposing duty?
- (iii) Is Article 1 of Council Regulation (EC) 175/2000 consistent with Article 11.4 and 14.5 of Council Regulation (EC) 384/96 <sup>(3)</sup> and, if not, what is the effect of this inconsistency on the collection of anti-dumping duties registered under Commission Regulation (EC) 152/1999?
- (iv) Is Article 1 of Council Regulation (EC) 175/2000 consistent with Council Regulation (EC) 384/96 in so far as the adoption of the measure occurred after the 12 month period indicated in Article 11.5 of Council Regulation (EC) 384/96?

<sup>(1)</sup> Of 22 January 1999 initiating a 'new exporter' review of Council Regulation (EC) No 1567/97 imposing a definitive anti-dumping duty on imports of leather handbags originating in the People's Republic of China, repealing the duty with regard to imports from five exporting producers and making these imports subject to registration (OJ L 18, 23.1.1999, p. 10).

<sup>(2)</sup> Of 24 January 2000 reimposing a definitive anti-dumping duty on imports of leather handbags originating in the People's Republic of China and sold for export to the Community by certain exporting producers and amending Regulation (EC) No 1567/97 (OJ L 22, 27.1.2000, p. 25).

<sup>(3)</sup> Of 22 December 1995 on protection against dumped imports from countries not members of the European Community (OJ L 56, 6.3.1996, p. 1).

**Appeal brought on 15 July 2002 by Michael Becker against the judgment delivered on 12 June 2002 by the Fourth Chamber of the Court of First Instance of the European Communities in Case T-9/01 between Michael Becker and the Court of Auditors of the European Communities**

**(Case C-260/02 P)**

(2002/C 202/24)

An appeal against the judgment delivered on 12 June 2002 by the Fourth Chamber of the Court of First Instance of the European Communities in Case T-9/01 between Michael Becker and the Court of Auditors of the European Communities <sup>(1)</sup>, brought on 15 July 2002 by Michael Becker, represented by Prof. Dr Ernst Fricke, Rechtsanwalt, of Kanzlei Prof. Dr. Fricke & Coll, Landshut (and Nuremberg, New Brandenburg and Luxembourg), and Roy Nathan, Rechtsanwalt, Luxembourg.

The appellant claims that the Court should: set aside in full the judgment of the Court of First Instance of 12 June 2002 and grant in full the forms of order sought at first instance.

*Pleas in law and main arguments*

The judgment of the Court of First Instance of 12 June 2002 infringes fundamental Community law.

— Breach of the duty to have regard for the welfare of officials

It is for the Invalidity Committee to examine, on the basis of the expert medical reports, whether the conditions set out in Article 78 of the Staff Regulations have been met. It is of no relevance that the appellant was on leave on personal grounds. The grounds on which the respondent rejected his complaint contravene the duty to have regard for the welfare of officials and are neither covered by the express terms, nor reflect the spirit and the purpose, of the Staff Regulations.

— Failure to appraise decisive information

The European Commission replied to a request from the Court for information and, in its reply, fully supported the appellant's legal position. In the grounds for its judgment, the Court of First Instance did not refer to the Commission's opinion, thereby failing to make a proper legal appraisal of that opinion.