

**JUDGMENT OF THE COURT OF FIRST INSTANCE
of 28 April 1994**

**in Case T-35/93, Vincent Cucchiara and Others against the
Commission of the European Communities ⁽¹⁾**

*(Officials — Claims assessors in the settlements office of the
sickness insurance scheme common to the institutions of the
European Communities — Classification in Category C —
Posts belonging, in the applicants' view, to Category B)*

(94/C 161/16)

(Language of the case: French)

*(Provisional translation: the definitive translation will be
published in the European Court Reports)*

In Case T-35/93: Vincent Cucchiara, Léon Carlier, Mercedes González, Anna Benedetti, Michèle Semincx, Marie-Jeanne Frittella Baecke and Edouard Bejaer, officials of the Commission of the European Communities, represented by Jean-Noël Louis, of the Brussels Bar, with an address for service in Luxembourg at the office of Fiduciaire Myson Sàrl, 1 Rue Glesener, against the Commission of the European Communities (Agent: Ana Maria Alves Vieira) — application for rectification of the administrative situation of the claims assessors classified in Category C who are assigned to the settlements office of the sickness insurance scheme common to the institutions of the European Communities — the Court of First Instance (Fourth Chamber), composed of C. P. Briët, President of the Chamber, A. Saggio and H. Kirschner, Judges; Registrar: H. Jung, gave a judgment on 28 April 1994, the operative part of which is as follows:

1. *the application is dismissed;*
2. *the parties are ordered to bear their own costs.*

⁽¹⁾ OJ No C 180, 2. 7. 1993.

**Action brought on 31 March 1994 by NMH Stahlwerke
GmbH against the Commission of the European
Communities**

(Case T-134/94)

(94/C 161/17)

(Language of the case: German)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 31 March 1994 by NMH Stahlwerke GmbH of Sulzbach-Rosenberg (Federal Republic of Germany), represented by Paul Schäuble, Rechtsanwalt, of Messrs Lorenz Seidler Gossel, of the Free State of Bavaria, with an address for service in

Luxembourg at the Chambers of Ernst Arendt, 8-10 rue Mathias Hardt.

The applicant claims that the Court should:

— annul the Commission decision of 16 February 1994, in so far as Articles 1, 3, 4 and 5 of that decision relate to the applicant, NMH Stahlwerke GmbH,

alternatively:

reduce the fine of ECU 150 000 imposed on the applicant by Article 4 of the decision,

— order the defendant to pay the costs of the proceedings.

Pleas in law and main arguments adduced in support:

The applicant, one of the addressees of the Commission decision of 16 February 1994 concerning certain agreements and concerted practices engaged in by European producers of beams, contests that decision to the extent to which the applicant is alleged to have participated over several years in agreements and concerted practices infringing Article 65 of the ECSC Treaty.

It pleads, first, a breach of the principle that no person can be liable for the acts of another. The applicant is not in the present case the successor to Maximilianshütte mbH and Maximilianshütte mbH i.K., which were clearly trading during the period in question.

Furthermore, it has not infringed Article 65 of the ECSC Treaty. The only allegation which can be made against it is that it has exchanged information concerning orders received and deliveries made. The ECSC competition rules cannot be interpreted or applied on the basis of criteria laid down in the context of Article 85 of the EEC Treaty. Consequently, its practices cannot be covered by Article 65 of the ECSC Treaty.

**Action brought on 8 April 1994 by Thyssen Stahl AG
against the Commission of the European Communities**

(Case T-141/94)

(94/C 161/18)

(Language of the case: German)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 8 April 1994 by Thyssen Stahl AG of Duisburg (Federal Republic of Germany), represented by Joachim Sedemund and Frank Montag (Rechtsanwälte) of Cologne with an address for service in Luxembourg at the Chambers of Aloyse May, 31 Grand-rue, Luxembourg.