

Case T-154/98

Asia Motor France SA and Others

v

Commission of the European Communities

(Competition — Obligations regarding the investigation of complaints —
Legality of grounds for rejection — Summary statement of pleas — Partial
admissibility)

Order of the Court of First Instance (Fifth Chamber), 21 May 1999 II-1705

Summary of the Order

1. *Procedure — Application initiating proceedings — Procedural requirements — Summary of the pleas in law relied upon — Incorporation of observations submitted in the course of the pre-litigation procedure — Whether admissible*
(EC Statute of the Court of Justice, Art. 19, first para.; Rules of Procedure of the Court of First Instance, Art. 44(1)(c))
2. *Procedure — Application initiating proceedings — Summary of the pleas in law — Terminology — Whether obligatory to use the terms used in the Rules of Procedure — No such obligation*
(EC Statute of the Court of Justice, Art. 19, first para.; Rules of Procedure of the Court of First Instance, Art. 44(1)(c))

1. Under the first paragraph of Article 19 of the Statute of the Court of Justice and Article 44(1)(c) of the Rules of Procedure of the Court of First Instance, all applications must indicate the subject-matter of the dispute and briefly state the grounds on which the application is based. Irrespective of any question of terminology, that statement must be sufficiently clear and precise to enable the defendant to prepare its defence and the Court to rule on the application, even without further information. In order to guarantee legal certainty and sound administration of justice it is necessary, for an action to be admissible, that the basic matters of law and fact relied on be indicated, at least in summary form, coherently and intelligibly in the application itself. Whilst the body of the application may be supported and supplemented on specific points by references to extracts from documents annexed thereto, a general reference to other documents, even those annexed to the application, cannot make up for the absence of the essential arguments in

law which, in accordance with the abovementioned provisions, must appear in the application.

In those circumstances, the reproduction in the body of the application of the full text of observations submitted by the applicant in the course of the pre-litigation procedure, coupled with the express statement that they form the basis of the action, cannot be equated with mere reference to or reproduction of an annex.

2. The statement of pleas in the application need not match the terms and the order used in the Rules of Procedure and, whilst they may be expressed in terms of substance rather than legal classification, it may be sufficient if the application sets them out with sufficient clarity.