

Case T-110/98

RJB Mining plc

v

Commission of the European Communities

(ECSC Treaty — State aid — Operating aid — Conditions for authorisation —
Obligation to state reasons — Further steps in proceedings after interlocutory
judgment — Application manifestly lacking any foundation in law)

Order of the Court of First Instance (Second Chamber, Extended Composition), 25 July 2000 II-2973

Summary of the Order

1. *Procedure — Introduction of new pleas in law in the course of the proceedings — Conditions — Amplification of an existing plea — Limits*
(*Rules of Procedure of the Court of First Instance, Art. 48(2), first subpara.*)
2. *Acts of the institutions — Statement of reasons — Obligation — Scope — ECSC decision*
(*ECSC Treaty, Art. 15, first para.*)

3. *Procedure — Introduction of new pleas in law in the course of the proceedings — Inadequate statement of reasons — Plea which may be put forward at any stage in the proceedings*

1. A plea in law which may be regarded as amplifying a plea previously put forward, directly or by implication, in the application initiating proceedings, and is closely connected with that plea is admissible. On the other hand, no new plea in law may be introduced in the course of proceedings unless it is based on matters of law or of fact which come to light in the course of the procedure, as the first subparagraph of Article 48(2) of the Rules of Procedure provides. In this respect, the fact that a plea is based on certain matters referred to in support of another plea is not sufficient for it to be regarded as amplifying that plea. Finally, a judgment which has merely confirmed the law which was known to the applicant, in principle, when it brought its action cannot be regarded as a new matter enabling the introduction of a new plea in law.

(see paras 24, 34, 36)

2. The first paragraph of Article 15 of the ECSC Treaty provides that the decisions of the Commission are to state the reasons on which they are based. The statement of reasons must disclose in a clear and unequivocal fashion the

reasoning followed by the institution which adopted the measure in question in such a way as to enable the persons concerned to ascertain the reasons for the measure so as to defend their rights and to enable the Community judicature to carry out its review. It is not necessary for the reasoning to go into all the relevant facts and points of law, however, inasmuch as it must be assessed with regard not only to its wording but also to its context and to all the legal rules governing the matter in question.

(see para. 44)

3. Pleas alleging that a statement of reasons is lacking or inadequate constitute a matter of public interest and may be put forward by the parties at any stage in the proceedings. The applicant cannot therefore be barred from criticising an inadequate statement of reasons solely on the ground that it did not rely on that argument in its application.

(see para. 46)