JUDGMENT OF THE COURT (Third Chamber)
21 March 1991 *

In Case C-226/89,

Haniel Spedition GmbH, a company established under German law with its registered office in Duisbourg (Federal Republic of Germany), represented by Dirk Schroeder, Rechtsanwalt, Cologne, with an address for service in Luxembourg at the Chambers of Loesch & Wolter, 8 rue Zithe,

applicant,

v

Commission of the European Communities, represented by its Legal Adviser, Dierk Booss, and Klaus-Dieter Borchardt, a member of its Legal Department, acting as Agents, with an address for service in Luxembourg at the office of Guido Berardis, also a member of the Commission's Legal Department, Wagner Centre, Kirchberg,

defendant,

APPLICATION for the annulment of the Commission decision of 8 May 1989 addressed to the applicant and relating to amounts withheld pursuant to Article 22(2)(b) of Commission Regulation (EEC) No 2200/87 of 8 July 1987 and for payment to the applicant of ECU 55 451.50 together with default interest from 12 May 1989, as provided for under the second subparagraph of Article 18(6) of Regulation (EEC) No 2200/87,

THE COURT (Third Chamber),

composed of: J. C. Moitinho de Almeida, President of Chamber, F. Grévisse and M. Zuleeg, Judges,

(The grounds of the judgment are not reproduced.)

* Language of the case: German

hereby:

(1) **Annuls the Commission decision of 8 May 1989, notified by way of a routing slip dated 12 May 1989, to withold ECU 55 451.50 from the amount due to the applicant for a supply in respect of food aid;**

(2) **Orders the Commission to pay Haniel Spedition GmbH, Duisbourg, the sum of ECU 55 451.50 together with default interest from 12 May 1989 at the Commission's normal rate;**

(3) **Orders the Commission to pay the costs.**