

national B.V., established in Amsterdam, Coöperatieve Centrale Raiffeisen-Boerenleenbank B.A. (Rabobank Nederland), established in Amsterdam, DSM Finance B.V., established in Heerlen (Netherlands), DTG Finance B.V., established in The Hague, Heineken N.V., established in Amsterdam, ING Verzekeringen N.V., established in The Hague, Koninklijke Ahold N.V., established in Zaandam (Netherlands), Landis Group International B.V., established in Utrecht (Netherlands), Unilever N.V., established in Rotterdam (Netherlands), and Wolters Kluwer N.V., established in Amsterdam, all represented by E.H. Pijnacker Hordijk and S.B. Noë, lawyers.

The applicants claim that the Court should:

- annul the Commission's decision of 11 July 2001 to initiate the procedure laid down in Article 88(2) EC in respect of aid measure C 51/2001 (ex NN 48/2000) — International financing activities;
- order the Commission to pay the costs.

Pleas in law and main arguments

By the contested decision, the Commission initiated an investigation procedure concerning new State aid in respect of the Netherlands fiscal legislation relating to international group financing activities ('the CFA regime'). In their application in the present proceedings, the applicants deny that any new State aid is involved.

The applicants plead infringement of Article 88 of the EC Treaty and of Regulation No 659/1999, inasmuch as the Commission should have initiated the procedure in relation to existing aid rather than that in respect of new aid. According to the applicants, it was not until after the CFA regime was introduced in 1997 that the Commission proceeded to regard such measures as constituting aid. As evidence of this, the applicants refer to the Commission's observations of 1984 and 1987 in relation to notification of a similar system by the Belgian Government, and also to the fact that the Belgian system is currently being investigated in accordance with the procedure for existing aid.

The applicants further claim that the contested decision violates the principle of equality, the general duty of care and the principle of the protection of legitimate expectations. Moreover, no sufficient statement of reasons has been given for the classification of the measure as new State aid.

Action brought on 18 January 2002 by Marie-Claude Girardot against Commission of the European Communities

(Case T-10/02)

(2002/C 68/35)

(Language of the case: French)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 18 January 2002 by Marie-Claude Girardot, residing in Brussels, represented by Nicolas Lhoëst, avocat, with an address for service in Luxembourg.

The applicant claims that the Court should:

- annul the decision of the Commission of 13 March 2001 rejecting the applicant's candidature in respect of COM/R/502310/2001, COM/R/502253/2001, COM/R/508026/2001, COM/R/502529/2001, COM/R/506004/2001, COM/R/502059/2001 and COM/R/502105/2001, published in the Spécial Recherche vacancy notice of 12 February 2001;
- annul the decision of the Commission of 15 March 2001 rejecting the applicant's candidature in respect of COM/2001/CCR16/R, published in the Spécial CCR vacancy notice of 9 February 2001;
- annul the appointments made to the abovementioned posts;
- order the defendant to pay all the costs.

Pleas in law and main arguments

According to the applicant, the Commission added a new condition for the admission of candidates to posts, refusing her candidature on the ground that the post is only available to staff covered by the Staff Regulations. Since that condition does not appear in the vacancy notices, the applicant submits that it infringes the terms of those notices and alleges infringement of Articles 4 and 29 of the Staff Regulations inasmuch as the Commission has not organised a competition for those posts. The applicant also alleges manifest error of assessment and infringement of Article 27 of the Staff Regulations in that the Commission did not take account of the applicant's qualifications. Finally, the applicant claims that a statement of reasons has not been provided for the contested decisions.