

The applicant claims that the Court should:

- annul Articles 1, 2 and 5 of the Commission Decision of 2 July 2002 concerning aid granted by Spain to the undertaking González y Díez SA for the years 1998, 2000 and 2001; and
- order the Commission to pay the costs.

*Pleas in law and main arguments*

Pursuant to Article 1 of the contested Decision, the defendant institution found incompatible with the common market part of the State aid granted to the applicant by the Spanish authorities in 1998, 2000 and 2001, totalling EUR 5 113 254,96, to cover exceptional costs arising from modernisation, rationalisation and restructuring, in accordance with Article 5 of Decision No 3632/93/ECSC of 28 December 1993 establishing Community rules for State aid to the coal industry <sup>(1)</sup>.

In support of the form of order sought, the applicant claims:

- fundamental procedural irregularities, contrary to Articles 88 of the ESCS Treaty and 4(4) of Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 (now 88) of the EC Treaty <sup>(2)</sup>, by failing to publish in the Official Journal the Commission's decision to initiate the formal investigation procedure;
- numerous manifest errors of assessment, in that the Commission based the contested decision on facts which are not relevant to the case in question, such as the conditions on which the applicant was acquired by Mina la Camocha, and ordered the recovery of an amount higher than that granted to the applicant. The Commission also made an error of fact in considering that the amount of the aid granted for exceptional costs arising from restructuring for the year 2001 was ESP 393 971,600, and in failing to take account of certain exceptional costs arising from restructuring under the aid granted in 1998, 2000 and 2001;
- breach of the principle of protection of legitimate expectations, in that the Commission asked Spain to recover aid previously authorised under Decisions 98/637/ECSC of 3 June 1998 and 2001/162/ECSC of 13 December 2000 concerning the granting of aid by Spain to the coal industry in the years 1998 and 2000, respectively.

The applicant also alleges a breach of the requirement to state reasons.

<sup>(1)</sup> OJ L 329 of 30.12.1993, p. 12.

<sup>(2)</sup> OJ L 83 of 27.3.1999, p. 1.

### **Action brought on 23 September 2002 by Eric Vranckx against Commission of the European Communities**

**(Case T-293/02)**

(2002/C 289/63)

*(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 23 September 2002 by Eric Vranckx, residing in Brussels, represented by Albert Coolen, Jean-Noël Louis and Etienne Marchal, lawyers, with an address for service in Luxembourg.

The applicant claims that the Court should:

- annul the decision of the Selection Board in Competition COM/B/1/00 in so far as the oral test marks awarded to the applicant are concerned;
- order the defendant to pay the costs.

*Pleas in law and main arguments*

The applicant participated in Competition COM/B/1/00. He contests the failure to include him on the reserve list for assistants in the field of information technology and telecommunications.

In support of his arguments, the applicant alleges:

- breach of the duty to provide reasons;
- manifest error of assessment;
- failure to take account of the competition notice.