

In support of its claims the applicant alleges, in the alternative, that the defendant infringed Article 15(2) of Regulation No 17, Article 253 EC and the principles of proportionality and of equal treatment by:

- imposing on the applicant a fine in excess of 10 % of its worldwide turnover;
- imposing on the applicant an global fine in respect of allegedly discrete infringements;
- increasing the 'starting amount' as a deterrent and on the ground of aggravating circumstances;
- applying an excessive multiplication factor;
- not reducing the fine on the ground of attenuating circumstances or by virtue of the 'Amnesty Notice' <sup>(1)</sup>.

(1) Published in OJ 1996 C 207 p. 4.

**Action brought on 12 February 2003 by Philippe Brendel against Commission of the European Communities**

**(Case T-55/03)**

(2003/C 101/82)

*(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 12 February 2003 by Philippe Brendel, residing in Brussels, represented by Georges Vander-sanden and Laure Levi, lawyers.

The applicant claims that the Court should:

- annul the decision taken by the appointing authority of 3 May 2002 classing the applicant in Grade A 7, Step 2 with effect from 16 March 2001 and, so far as is necessary, annul the decision of 25 October 2002, notified on 4 November 2002, to reject the applicant's complaint;
- order the defendant to pay the balance of the remuneration consisting of the difference between the remuneration corresponding to classification in Grade A 7, Step 2,

and the remuneration corresponding to classification in the next higher grade and step, together with default interest at 5,7 % per annum as from 16 March 2001;

- order the defendant to pay damages and interests assessed, ex æquo et bono, at EUR 500 a month as from 16 March 2001 until the date they are paid;
- order the defendant to pay the costs.

*Pleas in law and main arguments*

The applicant in these proceedings challenges the decision of the appointing authority refusing to classify him in Grade A6, Step 3, on his taking up his duties with the defendant following competition EUR/A/154 for the recruitment of administrators (career bracket A 7/A 6) in auditing and accounting.

In support of his claims he alleges:

- infringement of Article 31(2) of the Staff Regulations, of the decision of 1 September 1983 on the criteria applicable to appointment to grade and classification in step on recruitment and of the Administrative Guide;
- infringement of the principle *patere quam ipse legem fecisti* and of equal treatment;
- that there was in the circumstances a manifest error of assessment;
- disregard of the duty to have regard to the interests of officials and the duty to state reasons;
- infringement of Article 39 EC.

**Action brought on 10 February 2003 by Bioelettrica S.p.A. against the Commission of the European Communities**

**(Case T-56/03)**

(2003/C 101/83)

*(Language of the case: Italian)*

An action against the Commission of the European Communities was brought before the Court of First Instance of the