

The applicant argues in this connection that, in this case, the facts of the dispute, which dates back to 1995, are brought before the Community court for a third time, yet the Commission has still not properly completed what it ought to have done in 1995, namely to conduct an assessment of whether ascertained variations from the object, structure and purpose of the original subsidised project are in conformity.

(¹) ECR I-6831.

(²) Case T-241/00 ECR II-1251.

Action brought on 8 August 2003 by Lucía Recalde Langarica against Commission of the European Communities

(Case T-283/03)

(2003/C 239/47)

(Language of the case: Spanish)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 8 August 2003 by Lucía Recalde Langarica, residing in Brussels, represented by D. Ramón García-Gallardo and M. Dolores Domínguez Pérez, lawyers.

The applicant claims that the Court should:

- annul the Decision of 8 May 2003 rejecting the applicant's complaint seeking formal and definitive annulment of the decision withdrawing her entitlement under the Staff Regulations to the expatriation allowance and confirmation of her entitlement to that allowance and also to other related allowances; and
- order the defendant to pay all the costs.

Pleas in law and main arguments

The present action is brought against the decision whereby the appointing authority rejected the applicant's complaint seeking formal and definitive annulment of the decision refusing her entitlement under the Staff Regulations to the expatriation allowance and confirmation of her entitlement to that allowance, together with other related allowances, such as, specifically, the allowance for the costs of installation at her present place of work.

The applicant states in that regard that the contested decision replaces another decision which the Court of First Instance of the European Communities annulled by judgment of 20 September 2001 (¹).

In support of here claims, the applicant puts forward the following pleas:

- Breach of the rights of defence, given the absence of a complete file.
- Manifest error in the assessment of the facts and, in particular, in the assessment of the place of main occupation or habitual residence during the reference period. In the alternative, the applicant claims that the Commission ignored the fact that the applicant's stay in Brussels never exceeded the reference period and, further in the alternative, that it did not apply the 'work done for another State' exception in Article 4 of Annex VII to the Staff Regulations.

(¹) Case T-344/99 Recalde Langarica v Commission [2001] ECR-SC IA-183; II-833).

Action brought on 18 August 2003 by S.I.M. SA. srl against the Commission of the European Communities

(Case T-287/03)

(2003/C 239/48)

(Language of the case: Italian)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 18 August 2003 by S.I.M. SA. srl, represented by M.A. Calabrese.

The applicant claims that the Court should:

- annul the Commission's letter of 30 April 2002 D/52107, COMP/G1/D(02)400 PI/cpb, of which the applicant has not had sight, whereby the Commission consulted the Italian authorities, inviting them to express their assent or dissent to the release to a party other than the applicant of the documents of which the applicant has requested copies;