

The applicant claims that there was a procedural defect in the adoption of the directive. The version of the directive adopted by the Council differs on several points from the version adopted by the European Parliament. That constitutes a breach of Article 251 EC. Furthermore, it submits that Article 95 EC does not constitute a sufficient legal basis. Despite its apparent limitation to cross-border sponsorship, Article 5(1) entails a general prohibition on sponsoring for tobacco products. However, according to the judgment of the Court of Justice in Case C-376/98 <sup>(1)</sup> Article 95 EC does not justify a general ban on sponsoring.

The applicant argues further that the selection of Article 95 EC as the legal basis allowed the prohibition on harmonisation in Article 152(4) to be circumvented. The applicant also claims that the vague wording of the sponsorship ban breaches the requirement of clarity which is the expression of the principle of legal certainty fundamental to Community law.

Finally, the applicant points out that Article 5(1) of the directive is a disproportionate measure, in view both of the purported internal market objectives of the Community legislature and of the health protection aims actually pursued and thus breaches a founding principle of the European Union. Moreover, the ban infringes the fundamental property rights of the applicant.

<sup>(1)</sup> Case C-376/98 Germany v Parliament and Council [2000] ECR I-8419.

**Action brought on 11 September 2003 by Annelies Keyman against the Commission of the European Communities**

**(Case T-313/03)**

(2003/C 275/82)

*(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 11 September 2003 by Annelies Keyman, residing in Overijse (Belgium), represented by Carlos Mourato, avocat.

The applicant claims that the Court should:

- Annul the decisions of 11 December 2002 and 11 June 2003 approving the applicant's staff report for 1999-2001;
- Order the defendant to pay the costs of the proceedings, pursuant to Article 87(2) of the Rules of Procedure of the Court of First Instance, together with the expenses necessarily incurred for the purpose of the proceedings and, in particular, the expenses relating to the address for service, travel and subsistence expenses and the remuneration of lawyers, pursuant to Article 91(b) of those rules.

*Pleas in law and main arguments*

In support of her application the applicant alleges breach of Article 43 of the Staff Regulations and a manifest error of assessment. The applicant further alleges abuse of power.

**Action brought on 15 September 2003 by Société Musée Grévin against the Commission of the European Communities**

**(Case T-314/03)**

(2003/C 275/83)

*(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 15 September 2003 by Société Musée Grévin, having its registered office in Paris, represented by Bernard Geneste and Olivia Davidson, avocats.

The applicant claims that the Court should:

- annul the Commission's decision of 8 July 2003 requiring Société Musée Grévin to reimburse the amounts allegedly overpaid to it;
- order the Commission to pay all of the costs.