

Subsequently, the applicant submitted to the DAFSE an application for payment of the balance of PTE 991 009 by the EFS and of the balance of PTE 810 226 by the Portuguese State. The DAFSE certified that request, which the Commission approved by document No 4242 of 13 March 1989, although it considered the sum of 1 192 162 to be ineligible. On 17 February 1998 the Commission decided, however, to suspend the contribution.

The Portuguese judicial authorities decided to discontinue the legal actions pending against the applicant, thereby eliminating in the applicant's view the presumption that it had acted irregularly. Nevertheless, the Commission adopted the decision at issue in these proceedings.

The contested decision, in the applicant's view, infringes Regulation (EEC) No 2950/83 and Council Decision 83/516/EEC since the applicant complied strictly with the conditions laid down for approval of the EFS contribution, thereby acquiring 'subjective rights attaching specifically to it'.

The decision also breaches the principle of the protection of legitimate expectations in so far as the Commission's approval decision vested in the applicant an entitlement to the contributions and gave rise to an expectation on its part that it would receive them if it carried out the action on the agreed basis and also because the measure contested herein could have been put into effect as early as 1989.

Finally, the contested decision constitutes a serious breach of the principle of proportionality since the applicant incurred expenses on the assumption that the Commission would fulfil its commitments.

Action brought on 13 October 2003 by Corsica Ferries France against the Commission of the European Communities

(Case T-349/03)

(2004/C 7/66)

(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 13 October 2003 by Corsica Ferries France, established in Bastia (France), represented by S. Rodrigues and C. Scapel, lawyers, with an address for service in Luxembourg.

The applicant claims that the Court should:

- annul the Commission's decision of 9 July 2003 concerning the restructuring aid which France plans to put into effect in favour of the Société Nationale Maritime Corse-Méditerranée;
- order the defendant to pay all the costs.

Pleas in law and main arguments

By the contested decision, the Commission decided that the restructuring aid which France was planning to put into effect in favour of the Société Nationale Maritime Corse-Méditerranée was, under certain conditions, compatible with the common market. The applicant challenges that decision, asserting that it has a direct and individual interest in obtaining its annulment, having regard to its active participation in the formal investigation procedure in respect of the aid and its competitive position in the reference market.

In support of its action it relies, first, on alleged failure to state the reasons on which the contested decision is based and, secondly, on alleged manifest errors of fact and assessment.

Action brought on 13 October 2003 by Wirtschaftskammer Kärnten and best connect Ampere Strompool GmbH against the Commission of the European Communities

(Case T-350/03)

(2004/C 7/67)

(Language of the case: German)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 13 October 2003 by Wirtschaftskammer Kärnten and best connect Ampere Strompool GmbH, Klagenfurt (Austria), represented by M. Angerer, lawyer.

The applicants claim that the Court should:

- annul Commission Decision COMP/M.2947 — Verbund/EnergieAllianz of 11 June 2003 on the compatibility of a concentration with the common market and the Agreement on the European Economic Area (EEA Agreement) and order the defendant to pay the costs.