

COURT OF FIRST INSTANCE

Action brought on 2 December 2003 by Yedas Tarim ve Otomotiv Sanayi ve Ticaret A.S. against the Council of the European Union and the Commission of the European Communities**(Case T-367/03)**

(2004/C 59/36)

(Language of the case: English)

An action against the Council of the European Union and the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 2 December 2003 by Yedas Tarim ve Otomotiv Sanayi ve Ticaret A.S., Istanbul, (Turkey), represented by R. Sinner, lawyer, with an address for service in Luxembourg.

The applicant claims that the Court should:

- grant compensation to the applicant for the loss incurred due to the Customs Union procedures generally, which arose from the Ankara Agreement, the Additional Protocol and its appendices, and especially the Common Council Decision No 1/95 of the European Community.

Pleas in law and main arguments

The applicant is a small and medium sized enterprise, active in the automotive industry. The applicant claims to have suffered a loss caused by the customs union between the European Union and Turkey⁽¹⁾, established in 1996. According to the applicant, the European Union has not fulfilled all of its obligations arising from the customs union and the Ankara Agreement⁽²⁾.

The applicant claims that Turkey would be given loans and donations from the Community's program for Mediterranean countries and from the European Union's budget resources in order to eliminate the negative effects of the customs union on Turkey's economy. According to the applicant, the assistance given was inadequate. The applicant, as a small and medium company, claims to have suffered losses due to the

lack of sufficient financial aid and therefore a disadvantage in terms of fair competition with other companies in the field.

(1) Decision No 1/95 of the EC-Turkey Association Council of 22 December 1995 on implementing the final phase of the Customs Union (OJ L 35 of 13 February 1996, p. 1).

(2) Agreement establishing an Association between the European Economic Community and Turkey (OJ P 217 of 29 December 1964, p. 3687) (No English text available).

Action brought on 10 December 2003 by Sophie van Weyenbergh against the Commission of the European Communities**(Case T-395/03)**

(2004/C 59/37)

(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 10 December 2003 by Sophie van Weyenbergh, resident in Tervuren (Belgium), represented by Carlos Mourato, lawyer.

The applicant claims that the Court should:

- annul the decision of the selection board of Competition COM/TB/99 not to include the applicant in the list of suitable candidates;
- order the defendant to pay to the applicant the sum of EUR 72 924,00, subject to modification in the course of the proceedings, in respect of damages for material and non-material loss;
- order the defendant to pay the costs of the case.

Pleas in law and main arguments

Following the judgment of the Court of First Instance of 13 March 2002 in Joined Cases T-357/00, T-361/00, T-363/00 and T-364/00⁽¹⁾ annulling the decision of the selection board to reject the applicant's candidature for internal Competition COM/TB/99 for the constitution of a reserve list of administrative assistants in career bracket B4/B5, the applicant was called to a new oral test. She objects to the failure to include her name on the list of suitable candidates in this competition.