

According to the applicant, the creation of an intermediate structure, Ainax, preserves the block of shares currently controlled by Volvo rather than dispersing it amongst the shareholders of Volvo. The applicant furthermore submits that because Renault has an approximate 20 % shareholding in Volvo, Renault controls approximately 20 % of Ainax which in turn controls approximately 25 % of Scania. The applicant therefore submits that the divestment structure grants Renault, and Volvo indirectly, a substantial influence over the applicant and a privileged inside knowledge of its business secrets. According to the applicant, it is therefore not able to act as an independent alternative to the Volvo/Renault VI group.

-
- (¹) Commission Decision of 1 September 2000 declaring a concentration to be compatible with the common market (Case No IV/M.1980 - 3* VOLVO/RENAULT V.I.) according to Council Regulation (EEC) No 4064/89 (OJ C 301, p. 23).
- (²) Council Regulation (EEC) No 4064/89 of 21 December 1989 on the control of concentrations between undertakings (OJ 1990 L 257, p. 13).

Action brought on 21 June 2004 by Philippe Combescot against the Commission of the European Communities

(Case T-249/04)

(2004/C 217/59)

(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 21 June 2004 by Philippe Combescot, represented by Alberto Maritati and Viola Messa, lawyers.

The applicant claims that the Court should:

- declare that the conduct of Mr Combescot's superiors and its effect on his professional life, career and therefore on his state of health is absolutely unlawful and, in consequence recognise the right to assistance laid down by Article 24 of the Staff Regulations;
- declare the career development report (CDR) to be unlawful as a result of the serious and irremediable enmity between the applicant and his hierarchical superior;
- recognise Mr Combescot's entitlement to compensation for loss sustained, both for non-material damage and in respect of his professional life and career, to be assessed in a sum not less than EUR 1 000.

Pleas in law and main arguments:

The applicant in the present case alleges that he suffered as a result of the conduct of his immediate hierarchical superior in

the form of threats, intimidation and personal and professional humiliation during the period in which the applicant was a resident adviser to the Commission's Delegation to Guatemala. The conduct in question amounted to discrimination which damaged his professional life and had serious effects on his state of health.

The refusal to accede to the application for assistance within the meaning of Article 24 of the Staff Regulations should therefore be regarded as unlawful. The CDR for the period in question should also be regarded as unlawful.

Action brought on 21 June 2004 by Philippe Combescot against the Commission of the European Communities

(Case T-250/04)

(2004/C 217/60)

(Language of the case: French)

An action was brought before the Court of First Instance of the European Communities on 21 June 2004 against the Commission of the European Communities by Philippe Combescot, represented by Alberto Maritati and Viola Messa, lawyers.

The applicant claims that Court of First Instance should:

- declare illegal the decision rejecting his application to take part in the competition for appointment to the post of Head of Delegation in Colombia covered by the vacancy notice of 28 May 2003 (COM/091/03); accordingly, declare the entire competition procedure and the consequent decision making an appointment to the post to which it related void; recognise that Philippe Combescot has suffered damage to his image and professional reputation, and that the illegal decision excluding him from the competition has had serious adverse effects on the balance of his mind; and award him the sum of EUR 100 000.00 as compensation for damage.

Pleas and main arguments adduced in support

The applicant takes exception to the defendant's refusal to admit to the competition procedure his application for the vacant post of Head of Delegation for Colombia.

In support, the applicant alleges:

- infringement of the terms of the vacancy notice, in that the reason for which his application was purportedly refused (the fact that he had not had two years' experience as a Head of Unit) was not provided for in the said vacancy notice;