

Pleas in law and main arguments:

The applicant company is an airline which specialises in low fares flights. On the occasion of the establishment by the applicant of a base at Brussels South Charleroi Airport the Walloon Region of Belgium implemented a number of aid measures in favour of the applicant. By the contested decision the Commission found that a part of these measures, namely a reduction in airport landing charges as well as discounts on ground handling services, constituted state aid incompatible with the common market within the meaning of Article 87 EC. The same decision declared a number of other aid measures granted by the airport to the applicant compatible with the common market subject to several conditions.

In support of its application for the annulment of this decision, the applicant submits that the duty to give reasons under Article 253 EC was infringed. In particular the applicant claims that the contested decision fails to provide reasons for treating the Walloon Region and the airport as independent entities, even though the region owns and controls the airport. Further, the applicant claims that no reasons are given for treating the region as a legislator/regulator and not as an airport owner, and that the Commission failed to consider evidence of the behaviour of other airports and failed to assess the airport's business plan in a correct manner.

The applicant also considers that there has been a misapplication of Article 87 EC because not all elements of the first paragraph of that article were satisfied; the agreement does not amount to State aid when viewed objectively; and the Commission failed to analyse the situation from the perspective of both the alleged benefactor and beneficiary.

Action brought on 21 June 2004 by Monique Negenman against Commission of the European Communities

(Case T-255/04)

(2004/C 228/98)

(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 21 June 2004 by Monique Negenman, residing in Roosendaal (Netherlands), represented by L. Vogel, lawyer.

The applicant claims that the Court should:

- annul the decision adopted by the appointing authority on 8 March 2004 (and notified on 11 March 2004) rejecting the applicant's complaint of 25 November 2003 against the administrative decisions of 23 October and 30 October 2004 fixing the dates of the beginning and end of the applicant's maternity leave;
- order the defendant to pay compensation of EUR 10 000, with the express reservation that this amount may subse-

quently be increased, reduced or subject to further clarification;

- order the defendant to pay the costs of the proceedings.

Pleas in law and main arguments

The applicant in the present case maintains that the appointing authority incorrectly calculated the dates of the beginning and the end of her maternity leave.

In support of her claims, she alleges that there has been a breach of Article 58 of the Staff Regulations (as worded before 1 May 2004) and of the principle of legitimate expectations, laid down in particular in Article 35 of the Staff Regulations, in that the appointing authority fixed the dates of the beginning and the end of her maternity leave on the basis of the actual date of her confinement, whereas under Article 58 of the Staff Regulations maternity leave starts six weeks before the expected date of confinement as shown in a certificate produced by the official concerned.

Removal from the Register of Case T-306/99 ⁽¹⁾

(2004/C 228/99)

(Language of the case: Dutch)

By order of 11 May 2004, the President of the Second Chamber (Extended Composition) of the Court of First Instance of the European Communities has ordered the removal from the Register of Case T-306/99, Oliecentrum Nederland B.V., supported by the Kingdom of the Netherlands v Commission of the European Communities.

⁽¹⁾ OJ C 63, 4.3.2000.

Removal from the Register of Case T-307/99 ⁽¹⁾

(2004/C 228/100)

(Language of the case: Dutch)

By order of 11 May 2004, the President of the Second Chamber (Extended Composition) of the Court of First Instance of the European Communities has ordered the removal from the Register of Case T-307/99, Oliecentrum Strijbos B.V., supported by the Kingdom of the Netherlands v Commission of the European Communities.

⁽¹⁾ OJ C 63, 4.3.2000.