

The applicants claim that the Court should:

- annul that part of the challenged decision in which the subsidies for public service obligations paid to Caremar, Toremar, Siremar and Saremar are regarded as State aid;
- in the alternative, annul that part of the challenged decision in which the subsidies for public service obligations paid to Caremar, Toremar, Siremar and Saremar are classified as new aid, and not as existing aid;
- order the Commission to pay the costs.

Pleas in law and main arguments:

The pleas in law and main arguments are similar to those relied on in Case T-265/04 *Adriatica di Navigazione and Others v Commission* ⁽¹⁾.

⁽¹⁾ Not yet published in the Official Journal.

Action brought on 22 July 2004 by Centro Provincial de Jóvenes Agricultores de Jaén against Council of the European Union

(Case T-295/04)

(2004/C 251/49)

(Language of the case: Spanish)

An action against Council of the European Union was brought before the Court of First Instance of the European Communities on 22 July 2004 by Centro Provincial de Jóvenes Agricultores de Jaén, established in Jaen (Spain), represented by José Francisco Vázquez Medina, of the Jaen Bar.

The applicant claims that the Court should:

- annul ipso jure Article 1(7) of Council Regulation (EC) No 864/04
- reserve its decision on costs.

Pleas in law and main arguments

The applicant is contesting the abovementioned provision insofar as it includes, exclusively in respect of olive oil, the 1999/2000 marketing year together with the other 3 planned for the remaining agricultural sectors (2000/2001, 2001/2002 and 2002/2003), for the determination of the direct support to be provided for producers.

In support of its claims, the applicant maintains that not only is there an inadequate statement of reasons for the contested provision, contrary to the duty to provide reasons, it also discriminates against certain regions and many farmers in view of the fact that in the 1999/2000 marketing year the harvest was very poor in Andalusia, particularly in Jaen. Thus, by calculating the assistance to be provided by taking into account the aforementioned marketing year, olive oil producers in Jaen, together with others in Cordoba and Granada, will, by that

mere fact, suffer serious economic harm and thus be discriminated against.

Finally, the applicant alleges misuse of powers.

Action brought on 22 July 2004 by Cristóbal Gallego Martínez, Benito García Burgos and Antonio Parras Rosa against Council of the European Union

(Case T-297/04)

(2004/C 251/50)

(Language of the case: Spanish)

An action against the Council of the European Union was brought before the Court of First Instance of the European Communities on 22 July 2004 by Cristóbal Gallego Martínez, Benito García Burgos and Antonio Parras Rosa, residing in Jaen (Spain), represented by José Francisco Vázquez Medina, of the Jaen Bar.

The applicant claims that the Court should:

- annul ipso jure Article 1(7) of Council Regulation (EC) No 864/04
- reserve its decision on costs.

Pleas in law and main arguments

The pleas in law and main arguments are identical with those put forward in Case T-295/04.

Action brought on 22 July 2004 by the Italian Republic against the Commission of the European Communities

(Case T-304/04)

(2004/C 251/51)

(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 22 July 2004 by the Italian Republic, represented by Antonio Cingolo, avvocato dello Stato.

The applicant claims that the Court should:

- annul Commission Decision C(2004) 1812 final of 19 May 2004 declaring unlawful aid granted by Italy (under Law No 394 of 1981) in the form of interest relief to WAM SpA of EUR 103 313.20 from 24 April 1996 and EUR 106 366.60 from 9 November 2000 (State aid No C 4/2003/(ex NN 102/2002), with order for recovery;