

**Action brought on 8 July 2004 by Georgios Rounis against the Commission of the European Communities**

(Case T-274/04)

(2004/C 262/61)

(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 8 July 2004 by Georgios Rounis, residing in Brussels, represented by E. Boigelot, lawyer.

The applicant claims that the Court should:

- Annul the decision taken by the Director-General of DG COMP/A on 4 August 2003 in his capacity as appeals assessor and adversely affecting the applicant in that it confirms and definitively approves his staff reports for 1997-1999 and 1999-2001 as established;
- Annul those staff reports;
- Award the applicant compensation for non-material harm, evaluated on an equitable basis at EUR 8,000, owing to the various substantial faults committed at various levels in the establishment of his staff reports for 1997-1999 and 1999-2001 and owing to the significant delay in definitively establishing those reports;
- Order the defendant to pay the costs.

*Pleas in law and main arguments:*

In support of his action, the applicant claims that there has been a breach of the second paragraph of Article 25 and Articles 26 and 43 of the Staff Regulations and also of the general implementing provisions on the application of Article 43 adopted by the Commission on 26 April 2002. The applicant also claims that there has been misuse of powers and a breach of the rights of the defence, of the principle of good administration, of the principle of equal treatment and also of the principle that the appointing authority must adopt a decision solely on the basis of legally admissible grounds, i.e. grounds which are relevant and are not vitiated by a manifest error of assessment of fact or of law.

**Action brought on 7 July 2004 by Aries Meca against the Commission of the European Communities**

(Case T-275/04)

(2004/C 262/62)

(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 7 July 2004 by Aries Meca, established in Poissy (France), represented by Jean-Paul Poulain and Jean-Emmanuel Kuntz, lawyers.

The applicant claims that the Court should:

- annul the Commission's decision of 16 December 2003, in that Article 1 thereof declared illegal the scheme providing for automatic tax exemption for companies acquiring an undertaking in financial difficulties;
- annul the Commission's decision of 16 December 2003, in that Article 5 thereof ordered that the whole of the aid granted under the scheme of Article 44 septies of the Code Général des Impôts be recovered from companies incorporated for the purpose of acquiring an undertaking in financial difficulties;
- order the Commission to pay the costs.

*Pleas in law and main arguments:*

The decision which is the subject-matter of this case is the same as that which is challenged in Case T-273/04 *Brandt Industries v Commission*.

The applicant in this case, Aries Meca, is a company which, by virtue of its acquisition of Aries SAS, benefited from the provisions of the Code Général des Impôts referred to in the contested decision. Its application for annulment is based on a twofold plea that there has been an infringement of both Article 253 of the EC Treaty and Article 14 of Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty <sup>(1)</sup>.

<sup>(1)</sup> OJ 1999 L 83, p. 1.

**Action brought on 8 July 2004 by Compagnie Maritime Belge N.V./S.A. against the Commission of the European Communities**

(Case T-276/04)

(2004/C 262/63)

(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 8 July 2004 by Compagnie Maritime Belge N.V./S.A., established in Antwerp (Belgium), represented by Denis Waelbroeck, lawyer.

The applicant claims that the Court should:

- annul the Commission's decision of 30 April 2004 in cases COMP/D232.450 and 32.448 imposing a fine on the applicant for infringement of Article 82 of the EC Treaty, or at least substantially reduce the fine;
- order the defendant to pay the costs.