

**JUDGMENT OF THE COURT OF FIRST INSTANCE****of 28 September 2004****in Case T-216/03: Mario Paulo Tenreiro v Commission of the European Communities** <sup>(1)</sup>**(Officials — Mobility — Refusal of promotion — Consideration of comparative merits)**

(2004/C 300/78)

*(Language of the case: French)*

In Case T-216/03: Mario Paulo Tenreiro, an official of the Commission of the European Communities, residing in Kraainem (Belgium), represented by G. Vandersanden, lawyer, against Commission of the European Communities (Agents: A. Bordes and L. Lozano Palacios, with an address for service in Luxembourg) — application for, in substance, annulment of the Commission's decision, published on 14 August 2002, establishing the list of officials promoted to grade A4 in the 2002 procedure, in so far as it does not contain the applicant's name, the Court of First Instance (Single Judge: M. Pirrung); D. Christensen, Administrator, for the Registrar, gave a judgment on 28 September 2004, in which it:

1. Dismisses the application;
2. Orders the parties to bear their own costs.

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<sup>(1)</sup> OJ C 200 of 23.8.2003.

**ORDER OF THE COURT OF FIRST INSTANCE****of 2 September 2004****in Case T-291/02 González y Díez SA v Commission of the European Communities** <sup>(1)</sup>**(ECSC — State aid — Action for annulment — Action devoid of purpose — No need to adjudicate — Settlement of costs)**

(2004/C 300/79)

*(Language of the case: Spanish)*

In Case T-291/02: González y Díez SA, established in Villabona-Llanera (Spain), represented initially by J. Folguera Crespo, A. Martínez Sánchez and J.C. Engra Moreno, lawyers, then by J. Folguera Crespo and A. Martínez Sánchez, lawyers, v Commission of the European Communities (Agents: V. Kreuzschitz and J.L. Buendía Sierra) — action for annulment of

Articles 1, 2 and 5 of Commission Decision 2002/827/ECSC of 2 July 2002 on the granting by Spain of aid to the undertaking González y Díez SA in 1998, 2000 and 2001 (OJ 2002 L 296, p. 80) — the Court of First Instance (Second Chamber, Extended Composition), composed of J. Pirrung, President of the Chamber, A.W.H. Meij, N.J. Forwood, I. Pelikánová and S.S. Papasavvas, Judges; Registrar: H. Jung, has given a judgment on 2 September 2004, in which it:

1. There is no need to adjudicate on the present action.
2. Orders the Commission to pay the costs.

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<sup>(1)</sup> OJ C 289 of 23.11.2002.

**ORDER OF THE PRESIDENT OF THE COURT OF FIRST INSTANCE****of 21 September 2004****in Case T-310/03 R: Kreuzer Medien GmbH v European Parliament and Council of the European Union****(Interim measures — Application for suspension of operation — Admissibility of an application brought by an intervener)**

(2004/C 300/80)

*(Language of the case: German)*

In Case T-310/03 R: Kreuzer Medien GmbH, established in Leipzig (Germany), represented by M. Lenz, lawyer, supported by Falstaff Verlags GmbH, established in Klosterneuburg (Austria), represented by W.-G. Schärf, lawyer, against the European Parliament (Agents: E. Waldherr and U. Rösslein, with an address for service in Luxembourg) and the Council of the European Union (Agent: E. Karlsson), supported by the Commission of the European Communities (Agents: M.-J. Jonczyk, L. Pignataro-Nolin and F. Hoffmeister, with an address for service in Luxembourg), the Kingdom of Spain (Agent: L. Fraguas Gadea, with an address for service in Luxembourg) and the Republic of Finland (Agents: A. Guimaraes-Purokoski and T. Pynnä, with an address for service in Luxembourg) — application brought by Falstaff Verlags GmbH under Article 243 EC for suspension of the operation of Directive 2003/33/EC of the European Parliament and of the Council of 26 May 2003 on the approximation of the laws, regulations and administrative provisions of the Member States relating to the advertising and sponsorship of tobacco products (OJ 2003 L 152, p. 16) — the President of the Court of First Instance made an order on 21 September 2004, the operative part of which is as follows: