

The applicant claims that the Court should:

1. Annul the Commission Decision of 16 March 2005 concerning the second tranche of restructuring aid paid by France to National Maritime Corse-Méditerranée (SNCM);
2. Order the Commission to pay the costs.

*Pleas in law and main arguments*

This action is brought against Commission Decision C(2004)4751 final of 16 March 2005 declaring payment of the second tranche of aid given by France to Société Nationale Maritime Corse-Méditerranée (SNCM) for restructuring to be compatible, with certain conditions, with the common market (Aid No C 58/2002, ex N 118(2002)). That decision is a follow-up to the decision of 9 July 2003, which authorised subject to conditions the first tranche of the restructuring aid at issue.

In support of its claims, the applicant pleads the infringement of Article 87 of the EC Treaty and the rules adopted for its application which are relevant in this case, namely the conditions imposed by the decision of 9 July 2003 and the conditions arising from the Commission's 1997 Community guidelines on State aid to maritime transport <sup>(1)</sup> and the Commission's 1999 Community Guidelines on State aid for rescuing and restructuring firms in difficulty <sup>(2)</sup>, as applicable at the time when the examination procedure for the contested aid was opened.

The applicant states in that connection that, contrary to the decision of 9 July 2003, SNCM's shares in the Compagnie Corse Méditerranée were not sold. Furthermore, SNCM continued to apply a pricing policy aiming to offer lower prices than its competitors.

Furthermore, as regards the abovementioned Community guidelines, the restructuring plan submitted by the French Republic was not fully implemented. In addition, the amount of aid was not limited to the strict minimum.

<sup>(1)</sup> OJ C 205 of 5.7.1997, p. 5

<sup>(2)</sup> OJ C 288 of 9.10.1999, p. 2

**Action brought on 13 June 2005 by Gerrit Bethuyne and four others against the Commission of the European Communities**

**(Case T-234/05)**

(2005/C 205/56)

*(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 13 June 2005 by Gerrit Bethuyne, residing in Dentergem (Belgium), and four others, represented by Sébastien Orlandi, Xavier Martin, Albert Coolen and Etienne Marchal, lawyers, with an address for service in Luxembourg.

The applicants claim that the Court should:

1. annul the decisions to appoint the applicants officials of the European Communities, insofar as those decisions determine their grade of recruitment in accordance with Article 12 of Annex XIII to the Staff Regulations;
2. order the Commission to pay the costs.

*Pleas in law and main arguments*

The pleas and arguments relied on by the applicants are identical to those of the applicants in Case T-130/05 <sup>(1)</sup>.

<sup>(1)</sup> OJ C 132, 28.5.2005, p. 31.

**Action brought on 20 June 2005 by Jan Siffert against the Court of Justice of the European Communities**

**(Case T-235/05)**

(2005/C 205/57)

*(Language of the case: French)*

An action against the Court of Justice of the European Communities was brought before the Court of First Instance of the European Communities on 20 June 2005 by Jan Siffert, residing in Brussels (Belgium), represented by Sébastien Orlandi, Xavier Martin, Albert Coolen and Etienne Marchal, lawyers, with an address for service in Luxembourg.