

The fourth plea criticises the decision for taking the view that the beneficiaries of the alleged aid are quoted small or medium-sized capitalisation companies when in fact the real beneficiaries of the relief are merely the subscribers to the funds or open-ended investment companies, which means, potentially, anybody: accordingly, the relief does not target undertakings and is not selective. The Commission has not demonstrated that direct relief for subscribers gave rise to indirect relief for the said companies.

The fifth plea again alleges infringement of Article 87 EC and an inadequate statement of reasons for the Commission's decision that the measure has an impact on intra-Community competition, despite the fact that its economic impact is minimal (according to the Commission itself, amounting in 2004 to Euro 1 100 000.00). Nor has the Commission clarified the classification as operational aid, since the replacement tax is not a management cost for intermediaries who manage collective investment instruments. It is clear from the purpose of strengthening small and medium-sized capitalisation companies that, as far as the latter are concerned, the measure is of a structural nature.

The sixth plea criticises the part of the decision that rejects recourse to a derogation under Article 87(3)(c) EC. The aim of widening the asset base of companies with limited capitalisation, which find it more difficult than widely quoted companies to gain access to the venture-capital market, is in fact an economic policy objective which displays links with the above-mentioned provision allowing derogations.

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**Action brought on 29 November 2005 — Vienne and Others v Parliament**

**(Case T-427/05)**

(2006/C 22/42)

*Language of the case: French*

**Parties**

*Applicants:* Philippe Vienne (Bascharage, Luxembourg) and Others (represented by: G. Bounéou, F. Frabetti, lawyers)

*Defendant:* European Parliament

**Form of order sought**

The applicant(s) claim(s) that the Court should:

- annul the implied decision refusing assistance under Article 24 of the Staff Regulations;
- order the European Parliament to pay collective compensation for the damage suffered by the applicants as a result;
- order the defendant to pay the costs

**Pleas in law and main arguments**

The applicants are in a situation analogous to that of the applicants in Case T-359/05 and invoke, in support of their application, the same pleas and arguments invoked by the applicants in that case.

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**Order of the Court of First Instance of 24 November 2005 — Rica Foods v Commission**

**(Case T-87/01) <sup>(1)</sup>**

(2006/C 22/43)

*Language of the case: Dutch*

The President of the Fifth Chamber has ordered that the case be removed from the register.

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<sup>(1)</sup> OJ C 186, 30.6.2001.

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**Order of the Court of First Instance of 24 November 2005 — Rica Foods v Commission**

**(Case T -211/01) <sup>(1)</sup>**

(2006/C 22/44)

*Language of the case: Dutch*

The President of the Fifth Chamber has ordered that the case be removed from the register.

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<sup>(1)</sup> OJ C 317, 10.11.2001.