

- Error in the reasoning;
- The Commission unlawfully concluded that, notwithstanding a marked upward trend, the market in question is in decline;
- The decision is vitiated in so far as it uses a mean annual rate for the entire manufacturing industry equivalent to 5,78%;
- The Commission failed to notify the applicant of the principal facts underlying its decision in regard to the use of the coefficient of 0,75.

Action brought on 23 August 2000 by Cooperativa Mare Azzurro srl and Others against Commission of the European Communities

(Case T-218/00)

(2000/C 302/75)

(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 23 August 2000 by Cooperativa Mare Azzurro srl and Others, represented by Giuseppe Boscolo, of the Venice Bar.

Action brought on 21 August 2000 by Antena 3 de Televisión, S.A. against the Commission of the European Communities

(Case T-216/00)

(2000/C 302/74)

(Language of the case: Spanish)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 21 August 2000 by Antena 3 de Televisión, established in Madrid, represented by Fernando Pombo García, Emiliano Garayar Gutiérrez and Rosario Alonso Pérez-Villanueva, lawyers.

The applicant claims that the Court should:

- annul Commission Decision 2000/400/EC of 10 May 2000 ('Eurovision'); and
- order the Commission to pay all the costs incurred by Antena 3 de Televisión, S.A. in the present proceedings.

Pleas in law and main arguments

The pleas in law and main arguments are the same as those put forward in Case T-185/00 Métropole Télévision M 6⁽¹⁾.

⁽¹⁾ Not yet published.

The applicants claim that the Court should:

- annul wholly or, in the alternative, in part the contested decision and/or in any event declare the contested decision to be of no effect in respect of the applicants and furthermore order the defendant to pay the costs.

Pleas in law and main arguments

The applicants in the present case, cooperatives which provide services to several hundred small fishing undertakings operating from Venice and Chioggia, challenge the contested decision of 25 November 1999 on aid to firms in Venice and Chioggia by way of relief from social security contributions under Laws Nos 30/1997 and 206/1995⁽¹⁾.

That decision declares certain aid received by those undertakings to be incompatible with the common market.

In support of their application, the applicants claim that:

- The Commission did not find that the aid in question constitutes an arrangement for a three-year period and is thus not recoverable under Article 15 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⁽²⁾.

- The contested decision fails to take into account the situation concerning rents and occupancy in Chioggia's old town, inasmuch as it does not apply the derogation provided for in Article 87(3)(a) of the Treaty.

- Excluding the fishing industry from the de minimis rule, applicable in cases of State aid, amounts to failure to observe the principle of equal treatment as between the various sectors, at least where, as in the present case, the aid relates to social contributions charged by the State for the operation of services and not to investment costs freely incurred by the undertaking.
- The modest scale of the applicant undertakings, their local nature and the damage which could be caused by repayment of the aid render unsustainable an argument claiming that the relief has an impact on trade between Member States.
- Article 87(3)(d) of the Treaty has been infringed inasmuch as Chioggia and the Lagoon of Venice have special cultural links with fishing that cannot be ignored.

(¹) OJ 2000 L 150, p. 50.

(²) OJ 1999 L 83, p. 1.

Action brought on 28 August 2000 by Andrea Gaul against the Commission of the European Communities

(Case T-225/00)

(2000/C 302/76)

(Language of the case: German)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 28 August 2000 by Andrea Gaul, of Olching (Federal Republic of Germany), represented by Christian Boetzkes, Rechtsanwalt, Hamburg (Federal Republic of Germany).

The applicant claims that the Court should annul, pursuant to Article 231 EC, the decision of the Commission of the European Communities of 29 May 2000 not to include the applicant's name in the list of suitable candidates following the conclusion of the procedure in open competition COM/A/12/98, field 01 (law).

Pleas in law and main arguments

The applicant took part in the European Commission's open competition COM/A/12/98 in the field of law and was not awarded the necessary marks in order for her name to be included in the list of suitable candidates. By her claim, she asserts that the marks awarded cannot be justified. On the contrary, she proved to a sufficient standard in the tests that she possessed the requisite knowledge and abilities.

Action brought on 30 August 2000 by Porto di Venezia srl against Commission of the European Communities

(Case T-228/00)

(2000/C 302/77)

(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 30 August 2000 by Porto di Venezia srl, represented by Francesco Munari, of the Genoa Bar.

The applicant claims that the Court should:

- annul the Commission decision of 25 November 1999 on aid to firms in Venice and Chioggia by way of relief from social security contributions under Laws Nos 30/1997 and 206/1995 in so far as it excludes from Article 4 undertakings, such as the applicant, which find themselves in circumstances identical to those of the undertakings mentioned in the aforementioned article, and order the Commission to adopt any appropriate measure to comply with the judgment of this Court;
- make any other order as the Court may see fit in order to ensure compliance with the judgment, as well as an order requiring the Commission to pay the costs incurred by the applicant.

Pleas in law and main arguments

The decision being contested in this action is the same as that in Case T-218/00 Cooperativa Mareazzurro and Others v Commission and T-221/00 Casino Municipale di Venezia v Commission(¹).

In support of its application, the applicant, an undertaking entrusted by the public authorities with running the berthing facilities at the port of Venice, makes the following claims:

- Infringement of Articles 87 and 88 EC and of Article 7(2) 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(²).
- Misuse of powers inasmuch as a manifest error has been committed and treating it differently cannot be justified.
- Failure to state reasons.