

As a result of these breaches, the applicant claims to have suffered loss. This loss consists firstly of the profits generated by First Choice as reported in its audited accounts and that would have accrued to the applicant if the acquisition had not been prohibited by the Commission. Secondly, the applicant claims the loss of synergy costs savings that would have been obtained in consequence of the merger and, thirdly, the costs of the abortive bid for First Choice which were wasted as a result of the Decision of the Commission.

- (¹) 2000/276/EC: Commission Decision of 22 September 1999 declaring a concentration to be incompatible with the common market and the EEA Agreement (Case IV/M.1524 — Airtours/First Choice) (notified under document number C(1999) 3022) (Text with EEA relevance) (OJ L 93 of 2000, p. 1).
- (²) Council Regulation (EEC) No 4064/89 of 21 December 1989 on the control of concentrations between undertakings (text republished in OJ L 257 of 1990, p. 13).
- (³) Judgment of the Court of First Instance of 6 June 2002, Airtours/Commission, T-342/99, ECR II-2585.

Action brought on 13 June 2003 by Francesco Contesso against Commission of the European Communities

(Case T-213/03)

(2003/C 200/52)

(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 2003 by Francesco Contesso, residing in Paris, represented by Sebastien Orlandi, Albert Coolen, Jean-Noël Louis and Etienne Marchal, lawyers, with an address for service in Luxembourg.

The applicant claims that the Court should:

- annul the decision drawing up the definitive staff report for the period from 1 July 1999 to 30 June 2001;
- order the Commission to pay the applicant a token one euro for compensation for the non-material damage sustained;
- order the defendant to pay the costs.

Pleas in law and main arguments

In support of his application, the applicant pleads infringement of the assessor's prior duty to consult senior assessors before finalising the staff report, infringement of the assessor's duty to require them to initial each of the pages and to sign the definitive staff report, infringement of the duty to give reasons, in so far as the appeal assessor did not state why he did not take account of the opinions of the hierarchical superiors consulted.

Action brought on 13 June 2003 by SIGLA, S.A. against the Office for Harmonisation in the Internal Market (OHIM)

(Case T-215/03)

(2003/C 200/53)

(Language of the case: Spanish)

An action against the Office for Harmonisation in the Internal Market (OHIM) was brought before the Court of First Instance of the European Communities on 13 June 2003 by SIGLA, S.A., with offices in Madrid, represented by E. Armijo Chávarri.

The applicant claims that the Court should:

- annul the decision of the Third Board of Appeal of OHIM no. R 1127/2000-3 of 1 April 2003 on the ground that it is inconsistent with Article 8(5) of Regulation No 40/94;
- in the alternative, annul the contested decision on the ground that it prejudices SIGLA's rights of defence and the principle underlying Article 74 of Regulation No 40/94; and
- order OHIM to pay the costs.

Pleas in law and main arguments

Applicant for Community trade mark: ELLENI HOLDING BV

Community trade mark sought: Word mark 'VIPS' Application No 459.875 sought for products and services within classes 9, 35 and 42 and, subsequently, only for services within class 42 (computer programming services for hotels, restaurants and cafes)

Proprietor of mark or sign cited in the opposition proceedings: The applicant

Mark or sign cited in opposition: Spanish word mark 'VIPS' (registration No 551.436) for products of class 42 (supplying prepared food and drink for consumption, restaurants, service stations, canteens, bars and cafeterias and hotel services)

Decision of the Opposition Division: Acceptance of the opposition for services falling within class 42, rejection of the opposition for products falling within classes 9 and 35

Decision of the Board of Appeal: Action upheld, contested decision annulled

Pleas in law: Infringement of Article 8(5) of (EC) Regulation No 40/94 and, in the alternative, infringement of Article 8(1)(b) of the regulation

principle of non-discrimination. The applicant points out that the defendant did not conduct an examination of the comparative merits of the applicant with those of the officials of all the Directorates-General eligible for promotion, but limited itself to the 'quota' which had been allocated to the applicant's Directorate-General, gave an advantage to officials considered as reserve candidates from the previous year's promotion procedure and did not take account of applicant's transfer, during the reference period, from one Directorate-General to another.

Action brought on 19 June 2003 by Fédération Nationale de la Coopération Bétail et Viande (FNCBV) against the Commission of the European Communities

(Case T-217/03)

(2003/C 200/55)

(Language of the case: French)

Action brought on 10 June 2003 by Mário Paulo Tenreiro against Commission of the European Communities

(Case T-216/03)

(2003/C 200/54)

(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 10 June 2003 by Mário Paulo Tenreiro, residing in Kraainem (Belgium), represented by Georges Vandersanden, lawyer.

The applicant claims that the Court should:

- annul the decision not to promote the applicant in the 2002 promotion procedure, as it appears from the absence of the applicant's name in the list of officials promoted to grade A4 published in the Administrative Notice of 14 August 2002 (No 69-2002);
- declare that the applicant is entitled to the actual promotion which should have been granted him in the 2002 promotion procedure, with retrospective effect and full restoration of his financial and career rights;
- order the Commission to pay all the costs.

Pleas in law and main arguments

In support of his action the applicant pleads infringement of Article 45(1) of the Staff Regulations and breach of the

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 19 June 2003 by the Fédération Nationale de la Coopération Bétail et Viande, (National Cooperative Association for Livestock and Meat) established in Paris, represented by Robert Collin and Michel Ponsard, lawyers, with an address for service in Luxembourg.

The applicant claims that the Court should:

- annul Decision C.38.179/F3 of 2 April 2003 in so far as it affects the applicant;
- alternatively quash the fine imposed by that decision;
- in the further alternative reduce it;
- order the defendant to pay all the costs.

Pleas in law and main arguments

By its contested decision, the Commission imposed on the applicant and five other French associations of producers and slaughterers a fine based on alleged infringements of Article 81(1) of the EC Treaty, in respect of an agreement to suspend beef imports to France and to fix a minimum price for certain categories of animals.