

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.