

The applicants contend that the negotiations between CB and EB on the processing of securities transactions in respect of German registered shares lasted, not for close on two years, but for nine months at most. The reasons for the length of this period, they argue, lay with EB and not with CB. At no point did CB have an interest in, let alone the intention of, denying to EB services which it provides for other clients.

The applicants submit further that the fact could not be overlooked during negotiations that the processing of securities transactions in respect of German registered shares had no significance whatever for the exchange of services between CB and EB. In their calculation of prices the applicants followed the principle that comparable clients should be given equal treatment. EB, they submit, is not comparable to the group of clients which the Commission has used as the basis for its charge of discrimination.

The applicants also contend that the Commission never claimed that Clearstream International S.A. Luxembourg ('CI') was an undertaking with a dominant market position. For that reason alone it could not have abused any dominant market position. Furthermore, the objectively relevant market was inaccurately defined in the decision. The applicants take the view that the distinction drawn by the Commission between 'primary' and 'secondary' processing services cannot be based on objective grounds and is even contradictory. There is, they argue, only one single objectively relevant market for clearing and settlement. CB does not have a dominant position on this objectively relevant market for all clearing and settlement services. Neither CB nor CI is thus a party to which the rule in Article 82 EC can be addressed. The decision must be quashed in any event on grounds of erroneous market definition and — consequently — of the absence of market domination.

**Action brought on 26 July 2004 by Maison de l'Europe Avignon Méditerranée against the Commission of the European Communities**

**(Case T-302/04)**

(2004/C 262/76)

*(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 26 July 2004 by Maison de l'Europe Avignon Méditerranée, established in Avignon (France), represented by François Martineau, lawyer.

The applicant claims that the Court should:

- order the Commission to pay the sum of EUR 394 066.76 in respect of its failure to perform its financial obligations to the Maison de l'Europe Avignon Méditerranée;

- order the Commission to pay the entirety of the recoverable costs the amount of which is fixed in the sum of EUR 10 000.

*Pleas in law and main arguments:*

According to the applicant, the Commission had since 1996 informally allowed the applicant to set up an Info Point Europe. In 2000, the applicant entered into an agreement with the Commission for the creation of an Info Point Europe, in the applicant's view thereby formalising the situation. In 2004, the agreement was terminated by the Commission.

By this action, the applicant seeks to have the Commission held contractually liable in order to obtain payment for the supplies rendered by the applicant since 1996 in the context of its task as a European information centre for the Commission.

According to the applicant, the Commission has breached its contractual obligations and is liable for interest for late payment, for services rendered during the festival of Avignon and for the cost of running a European documentation centre since 1996.

**Action brought on 29 July 2004 by European Dynamics SA against the Commission of the European Communities**

**(Case T-303/04)**

(2004/C 262/77)

*(Language of the case: English)*

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 29 July 2004 by European Dynamics SA, Athens, Greece, represented by Mr S. Pappas, lawyer.

The applicant claims that the Court should:

- annul the Commission's Contract Notice 2003/S249-221337 ESP-DIMA;
- annul the Commission's call for tenderers PO/2003/192 (ESP-DIMA);
- annul the Commission's Decision of 4 June 2004 ranking the offer of European Dynamic's consortium only second after the first successful tenderer;
- annul the Commission's Decision of 14 July 2004 rejecting the applicant's appeals against the award of the tender;
- order the Commission to pay European Dynamic's legal and other fees and expenses incurred in connexion with this application.