

Action brought on 6 August 2004 by the Commission of the European Communities against Silicon and Software Systems Limited

(Case T-326/04)

(2004/C 273/62)

(Language of the case: English)

An action against Silicon and Software Systems, Dublin (Ireland) was brought before the Court of First Instance of the European Communities on 6 August 2004 by the Commission of the European Communities, represented by A. Whelan, agent and Dr D.R. Phelan, Barrister with an address for service in Luxembourg.

The applicant claims that the Court should:

- condemn the defendant to pay the Commission the sum of EUR 38 446.50, corresponding to EUR 29 194 as the principal sum due and EUR 9 252.50 as late-payment interest from 30 August 2000 until 16 August 2004 at a rate of 8 % per annum;
- condemn the defendant to pay the Commission 6.40 Euros per day by way of interest at a rate of 8 % per annum from 17 August 2004 until the date on which the debt is repaid in full;
- condemn the defendant to pay the costs of the present action.

Pleas in law and main arguments:

On 28 March 1994, the Commission concluded with the defendant ESSI contract No 10043 with a view to work being carried out in respect of research and technological development in pursuance of the ESPRIT Programme. In accordance with the contract, the Commission made an advance payment in respect of its financial contribution to the defendant's account. Upon completion of the work, the defendant submitted its consolidated cost statement. The Commission refused to take into account those costs incurred before the commencement of the contract and modified the costs statement to that extent. The Commission states that the defendant never objected to this revised consolidated cost statement established by the Commission.

The Commission then requested the reimbursement of part of the advance that was in excess of the revised consolidated cost

statement, namely EUR 29 194. The defendant refused to pay the outstanding balance and therefore breached, according to the Commission, the terms of the contract.

Action brought on 3 August 2004 by Syndicat National de l'Industrie des Viandes (SNIV) against the Commission of the European Communities

(Case T-327/04)

(2004/C 273/63)

(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 3 August 2004 by Syndicat National de l'Industrie des Viandes (SNIV), established in Paris, represented by Nicole Coutrelis and Séverine Henneresse, lawyers, with an address for service in Luxembourg.

The applicant claims that the Court should:

- annul the Commission decision of 30 March 2004 concerning the State aid 'N515/2003 — France — Aid in the rendering sector — Slaughter tax';
- order the Commission to pay the costs.

Pleas in law and main arguments:

Regarded as a public service mission, rendering is financed in France by a fund financed by an endowment from the State and a slaughter tax levied on slaughterhouses. That scheme was notified to the Commission. The applicant, which represents slaughterhouses, drew the Commission's attention to the need to initiate the formal investigation procedure in respect of the aid, laid down in Article 88(2) EC. However, by the contested decision the Commission found that the scheme at issue was not incompatible with Community law in respect of 'animals which have died on the farm' and did not constitute aid in respect of 'slaughterhouse waste'.

Since it considers that the Commission thereby approved the system established by the French Government, the applicant claims that the Court should annul the contested decision on the ground of breach of Article 88(2) EC and Article 4(4) of Regulation No 659/1999. (!) The applicant submits that, on account of the serious problems in the assessment of the compatibility of the aid at issue, which it had mentioned, the Commission was not entitled to declare the aid at issue compatible without initiating the formal investigation procedure.