

2. order the European Parliament to pay to the applicant the sum of EUR 30 000 in respect of compensation for the non-material damage which she claims to have suffered, increased by the statutory interest in force in the Grand Duchy of Luxembourg from the date of the judgment to be delivered until full and final settlement, the substantive damage being reserved;
3. order the European Parliament to pay all of the costs incurred in the proceedings.

Pleas in law and main arguments

The applicant had brought an action against the decision of the selection board in Competition EUR/151/98. By judgment delivered by the Court of First Instance on 5 March 2003 in Case T-24/01, that decision was set aside. Following that annulment, the Parliament reopened the competition and the selection board resumed its deliberations. By the decision contested in the present case, the selection board for the competition decided not to place the applicant on the list of successful candidates.

In support of her action, the applicant alleges a breach of Article 233 EC, maintenance of discriminatory treatment and infringement of the principle of the protection of legitimate expectations.

Action brought on 4 February 2005 by SP Entertainment Development GmbH against the Commission of the European Communities

(Case T-44/05)

(2005/C 115/44)

(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 4 February 2005 by SP Entertainment Development GmbH, Norderfriedrichskoog (Germany), represented by C. Demleitner, lawyer.

The applicant claims that the Court should:

- annul Commission Decision D/57536 of 20 October 2004;

- order the Commission to pay the necessary costs.

Pleas in law and main arguments

In the contested decision the Commission called upon Germany to reclaim a loan which was granted to a predecessor company of the applicant by an associated company of the City of Bremen. The applicant claims that this decision was based on the unfounded assumption of the Commission that the loan in question had not yet been repaid. According to the applicant, repayment had already been made by means of transfer of a stake in the company to which the loan was granted to the company which granted the loan. This repayment by means of 'payment instead of performance' does not constitute State aid for the purposes of Article 87(1) EC that is contrary to Community law since the value of the assigned stake amounts at least to the sum of the loan. Additionally, interest was paid up to 31 December 2003. From this date the applicant did not have to pay any interest since the transfer of the stake was delayed due to reasons for which the applicant was not responsible.

Action brought on 17 February 2005 by Deutsche Telekom AG against the Office for Harmonisation in the Internal Market (Trade Marks and Designs)

(Case T-72/05)

(2005/C 115/45)

(Language of the Case: German)

An action against the Office for Harmonisation in the Internal Market (Trade Marks and Designs) was brought before the Court of First Instance of the European Communities on 17 February 2005 by Deutsche Telekom AG, Bonn, Germany, represented by J.-C. Gaedertz and D.R. Marschollek, lawyers.

The applicant claims that the Court should:

- set aside the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market of 15 December 2004;
- order the defendant to pay the costs of the proceedings.