

**Action brought on 22 October 2001 by Valmont Nederland B.V. against the Commission of the European Communities**

**(Case T-274/01)**

(2002/C 3/79)

*(Language of the case: Dutch)*

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 22 October 2001 by Valmont Nederland B.V., established at Maarheeze (Netherlands), represented by André Van Landuyt, with an address for service in Luxembourg.

The applicant claims that the Court should:

- (1) annul Decision No C 2001 2231 of the Commission of 18 July 2001;
- (2) order the Commission, pursuant to Article 87 of the Rules of Procedure, to pay all the costs of these proceedings.

*Pleas in law and main arguments*

According to the contested decision of the Commission, the applicant has received State aid in the form of a reduced purchase price for the building land on which the applicant now maintains its establishment in the Netherlands and a subsidy for the installation of a car park on it. The Commission is demanding that the aid received be repaid.

The applicant maintains that, in adopting its decision, the Commission has infringed Article 87(1) of the EC Treaty. According to the applicant, the Commission has not shown that the applicant benefited from an aid measure in the purchase of the building land. It claims that that purchase took place on market terms and conditions. Moreover, any aid which may have been received had no effect on competition within the common market or on trade between Member States.

The applicant also pleads infringement of essential procedural requirements, more specifically of the right to a fair hearing. According to the applicant, the Commission relies on a report on the value of the land which was drawn up previously without any involvement on the part of the applicant. Likewise, after the procedure was opened pursuant to Article 88(2) of the EC Treaty, its observations were not taken into account.

Lastly, the applicant asserts that the Commission misused its powers when assessing the value of the land at the time of the purchase and when assessing the element of State aid relating to what the applicant maintains is a car park used by the public, and concerning the sums charged by way of interest on the alleged State aid.

**Action brought on 26 October 2001 by Mercedes Alvarez Moreno against European Parliament**

**(Case T-275/01)**

(2002/C 3/80)

*(Language of the case: French)*

An action against the European Parliament was brought before the Court of First Instance of the European Communities on 26 October 2001 by Mercedes Alvarez Moreno, residing in Berlin, represented by Georges Vandersanden, lawyer.

The applicant claims that the Court should:

- annul the decision of the President of the European Parliament, contained in a letter of 19 July 2001, rejecting the applicant's request and thus confirming the decision of the European Parliament no longer to call upon the services of freelance interpreters who have reached the age of 65 years, as in the case of the applicant;
- annul the inter-institutional decision referred to by the Secretary General of the European Parliament in the letter of 5 March 2001;
- consequently, acknowledge the applicant's right to continue to provide her services as a freelance interpreter, either in the service of the European Parliament or any other Community institution, beyond the age of 65;
- order compensation for the material and non-material damage suffered by the applicant, provisionally assessed at one euro;
- order the defendant to pay all the costs.