

In support of his application, the applicant invokes, fundamentally, an objection of illegality, on the basis of Article 241 of the Treaty, on the ground that the application of Article 20 of Annex XIII to the Staff Regulations is unlawful in this case.

He claims, in that regard:

- breach of the principle of legitimate expectations, owing to the assurances which in his submission were given by the administration to the effect that the new Staff Regulations would have no negative impact on his situation,
- failure to respect the principles of equal treatment and non-discrimination, owing to the differentiation established according to the place of residence of officials in service and in receipt of a pension,
- failure to respect his acquired rights, owing to the amendment of his fundamental conditions of employment, considered as at the date of his retirement,
- breach of the principle of sound administration.

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**Action brought on 30 March 2005 by EARL Salvat Père et Fils and Others against the Commission of the European Communities**

(Case T-136/05)

(2005/C 132/61)

(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 30 March 2005 by EARL Salvat Père et Fils, established in Saint-Paul de Fenouillet (France), Comité interprofessionnel des vins doux naturels et vins de liqueur à appellations contrôlées (CIVDN), established in Perpignan (France), and Comité national des interprofessionnels des vins à appellation d'origine, established in Paris (France), represented by Hugues Calvet and Olivier Billard, lawyers.

The applicants claim that the Court should:

- annul Articles 1.1 and 1.3 of the Commission's decision of 19 January 2005 concerning the 'Plan Rivesaltes' and the CIVDN parafiscal levies implemented by France;
- order the Commission to pay the costs.

*Pleas in law and main arguments*

By the contested decision the Commission concluded that the set-aside premium per hectare financed by an inter-trade contribution in the context of the 'Plan Rivesaltes' and the promotional and operational activities of the controlled designations of origin 'Rivesaltes', 'Grand Rousillon', 'Muscat de Rivesaltes' and 'Banyuls' financed by inter-trade contributions constituted State aid within the meaning of Article 87 EC.

The applicants seek for that decision to be annulled, submitting first that its statement of reasons is inadequate, in breach of Article 253 EC, and does not enable the applicants to understand the Commission's reasons for considering that the criteria relating to State aid defined in the case-law of the Court of Justice were satisfied in this case. The applicants also submit that the contested decision resulted from a breach of Article 87 EC, since the Commission did not show either that the measures in question were financed by means made available to the national authorities or that the inter-trade contributions, intended to finance the promotional and operational activities of the controlled designations of origin, were attributable to the State.

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**Action brought on 1 April 2005 by LA PERLA S.p.A. against the Office for Harmonisation in the Internal Market (Trade Marks and Designs)**

(Case T-137/05)

(2005/C 132/62)

(Language of the case: Italian)

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 1 April 2004 by LA PERLA S.p.A., represented by Renzo Maria Morresi and Alberto Dal Ferro, lawyers.

Cielo Brands — Gestao e Investimentos Lda. was also a party to the proceedings before the Board of Appeal.

The applicant claims that the Court should:

- annul in full the contested decision reinstating the decision of the Cancellation Division and therefore declaring the contested trade mark invalid;
- order Cielo Brands — Gestao e Investimentos Lda to pay the costs of the proceedings, including the previous two sets of proceedings before OHIM.