

COURT OF FIRST INSTANCE

Action brought on 6 December 2001 by Antonio Enrico Tatti against Commission of the European Communities**(Case T-296/01)**

(2002/C 56/23)

(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 6 December 2001 by Antonio Enrico Tatti, residing in Overijse (Belgium), represented by Lucas Vogel, lawyer.

The applicant claims that the Court should:

- annul the decision of the appointing authority of 16 August 2001 rejecting the complaint lodged by the applicant on 11 February 2001, challenging the decision of the appeal assessor of 21 November 2000 refusing to review the applicant's staff report;
- order the defendant to pay damages amounting to EUR 2 500;
- order the defendant to pay the costs.

Pleas in law and main arguments

In support of his claims, the applicant alleges infringement of Articles 5, 6 and 7 of the general provisions implementing Article 43 of the Staff Regulations inasmuch as the reporting procedure is irregular and in particular that the time-limit to which the administration should have adhered in drawing up the staff report was not observed. The applicant further claims infringement of Article 43 of the Staff Regulations, manifest error of assessment and breach of the principle of non-discrimination. According to the applicant, his staff report was drawn up taking account of arbitrary rules for reporting on staff which fettered subsequent reporting officers in their discretion.

Action brought on 7 December 2001 by Julia Abad Pérez and Others against the Council of the European Union and the Commission of the European Communities**(Case T-304/01)**

(2002/C 56/24)

(Language of the case: Spanish)

An action against the Council of the European Union and the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 7 December 2001 by Julia Abad Pérez and Others, all of them established in Spain, represented by Miquel Roca Junyent, Joan Roca Sagarra and Marta Pons de Vall Alomar, lawyers.

The applicants claim that the Court should:

- declare that the Council and the Commission have acted unlawfully and are thus liable under Article 288 EC for having spread the BSE crisis within the territory of the European Union and, consequently, for the damage alleged in the present application;
- order the Council and the Commission jointly and severally to pay compensation for the damage caused to the applicants as a result of that crisis, quantified in the present application in the sum of 19 438 372,69 euros, and for the non-material damage suffered by them (amounting to a further 15 % over and above the aforementioned sum, that is to say, 2 915 755,80 euros); and
- order the Council and the Commission to pay the costs.

Pleas in law and main arguments

The applicants are Spanish stockbreeders. They are claiming compensation for the damage and prejudice suffered as a result of the crisis concerning the so-called 'mad cow disease' since the outbreak of the first case of bovine spongiform encephalopathy (BSE) in Spain on 22 November 2000, which plunged the Spanish stockbreeding sector into a serious crisis from which it has still not yet managed fully to recover.

According to the applicants, each stockbreeder is currently having to bear:

- the costs of removal and destruction of specified risk material (SRM);