

The applicant claims that the Court of First Instance should:

- Annul the defendant's decision of 11 June 2001 to reset at zero the applicant's tally of promotion points after his promotion in 2000;
- Order the defendant to pay the costs.

Pleas in law and main arguments

The applicant objects to the decision of the European Parliament to reset at zero the applicant's stock of promotion points following his promotion in 2000, thereby preventing the applicant from carrying over to his new grade the promotion points that he acquired over and above the relevant threshold for promotion.

The resetting at zero is the result of a transitional scheme prior to the implementation of a new promotion system in the European Parliament. Under that transitional scheme the tally of promotion points is automatically reset at zero following a promotion, whereas the definitive scheme provides that promotion points acquired over and above the relevant threshold are carried over to the new grade.

According to the applicant, the contested decision infringes Article 45 of the Staff Regulations as well as the principle prohibiting discrimination.

Action brought on 15 February 2002 by Japan Tobacco, Inc. and JT International S.A. against the Commission of the European Communities

(Case T-31/02)

(2002/C 109/106)

(Language of the case: English)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 15 February 2002 by Japan Tobacco, Inc. and JT International S.A., represented by Mr Onno W. Brouwer and Mr Paul Lomas of Freshfields Bruckhaus Deringer, London (United Kingdom).

The applicant claims that the Court should:

- annul the decisions taken by the Commission in relation to commencing proceedings before the United States District Court for the Eastern District of New York, with Docket Number CV-02-0164, on 9 January 2002, in the name of the European Community against the applicants;
- order that the Commission pay the costs of the present proceedings, including those of the applicants and any intervening parties.

Pleas in law and main arguments

The applicants are the defendants in legal proceedings brought by the European Commission before a United States Court, in which it is seeking damages in respect of allegedly unpaid customs duties and VAT, and relief in respect to other economic and non-economic injuries arising therefrom. The payment of these customs duties and VAT has allegedly been avoided by the smuggling of cigarettes into the European Union. This is the third time that the European Commission has commenced such proceedings⁽¹⁾. In the current proceedings, the Commission is also acting as agent for Member States in the recovery of these taxes allegedly owed to them.

The grounds and arguments are similar to those arising in Case T-260/01⁽²⁾.

⁽¹⁾ The decision to commence the first proceedings is being contested in Case T-379/00 (OJ C 79 of 10.3.2001) and the decision to commence the second proceedings in Cases T-260/01 and T-272/01 (OJ C 3 of 5.1.2002, p. 39 and p. 45).

⁽²⁾ OJ C 3 of 5.1.2002, p. 39.

Action brought on 14 February 2002 by José Cuenda Guijarro against the Council of the European Union

(Case T-32/02)

(2002/C 109/107)

(Language of the case: French)

An action against the Council of the European Union was brought before the Court of First Instance of the European Communities on 14 February 2002 by José Cuenda Guijarro, residing in Brussels, represented by Jean-Noël Louis, lawyer, with an address for service in Luxembourg.