

**Action brought on 4 March 2002 by Michelle Boisset-Chetaud against European Parliament**

(Case T-65/02)

(2002/C 109/125)

(Language of the case: French)

An action against the European Parliament was brought before the Court of First Instance of the European Communities on 4 March 2002 by Michelle Boisset-Chetaud, residing in Nice (France), represented by Laurent Mosar, lawyer, with an address for service in Luxembourg.

The applicant claims that the Court should:

- Annul the decision following from the letter of 27 June 2001 by which the European Parliament suspended the application of the weighting for France from 1 June 2001 until the production of documents showing unambiguously that Michelle Boisset-Chetaud's centre of interests is in Nice;
- Annul the decision of the Secretary General of the European Parliament in a letter of 6 December 2001, in response to the applicant's complaint, that following that decision the documents produced by Michelle Boisset-Chetaud did not allow the head of the Social Affairs Division to consider that she had established her centre of interests, and hence the place where she is deemed to incur expenditure, in Nice.

*Pleas in law and main arguments*

The applicant in this case contests the refusal of the appointing authority to consider that her centre of interests is in Nice and that the weighting for France should therefore be applied to her retirement pension.

In support of her application, she submits that there has been a breach of Article 82 of the Staff Regulations. The applicant asserts that the concept of residence mentioned there has been the subject of judicial interpretation intended to establish that a person sets up a permanent and habitual centre at the place where he resides. In assessing the criteria for residence, the defendant must rely on objective elements such as a certificate of residence. In this respect, the applicant submitted not only a certificate of residence but also numerous other documents, such as the notarial act concerning the purchase of a flat, a notice of change of address, and various bills.

However, by referring to a notice determining rights to an invalidity pension issued by the head of division in Directorate General V — Personnel, the appointing authority took as the sole criterion that of residence.

**Action brought on 25 February 2002 by 1. Idiotiko Institutouto Epangelmatikis Katartisis, South Avyerinopoulou — Anagnorismenes Technikes Idiotikes Epangelmatikes Skholes; 2. Panellinias Enosis Idiotikon Institutouton Epangelmatikis Katartisis; and 3. Idiotikis Teknikis Epangelmatikis Ekpaideusis kai Katartisis, against the Commission of the European Communities**

(Case T-66/02)

(2002/C 109/126)

(Language of the case: Greek)

An action against the Commission of the European Communities was brought before the Court of Justice of the European Communities on 25 February 2002 by 1. Idiotiko Institutouto Epangelmatikis Katartisis (Private institute for occupational training), South Avyerinopoulou — Anagnorismenes Technikes Idiotikes Epangelmatikes Skholes (Accredited private technical training schools); 2. Panellinias Enosis Idiotikon Institutouton Epangelmatikis Katartisis (Panhellenic Association of private institutions for occupational training); 3. Idiotikis Teknikis Epangelmatikis Ekpaideusis kai Katartisis (Panhellenic Association of private technical education and training).

The applicants claim that the Court should:

- uphold the application for a declaration of the failure by the Commission of the European Communities to bring to an end the unlawful distinction between private and public bodies engaged in occupational training as regards the exclusive funding of the latter under the 3rd community support network and, in particular, under the operational programme concerning education and initial occupational training (II).

*Pleas in law and main arguments*

- Infringement of Article 87 EC: the proposed exclusive funding of public occupational-training bodies constitutes State (and Community) aid which does not concern general measures nor is justified by the actual require-