

**Action brought on 28 May 2002 by José Pedro Pessoa e Costa against Commission of the European Communities****(Case T-166/02)**

(2002/C 180/55)

*(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 28 May 2002 by José Pedro Pessoa e Costa, residing in Lisbon, represented by Jean-Noël Louis, Etienne Marchal and Albert Coolen, lawyers.

The applicant claims that the Court should:

- annul the decision of the Commission of 3 July 2001 to bring disciplinary proceedings against him;
- annul the decision of the appointing authority to reject the request submitted on 6 July 2001 by the Director of the EMCDDA to transfer him to the EMCDDA, pursuant to Article 29(1)(c) of the Staff Regulations;
- order the defendant to pay the costs.

*Pleas in law and main arguments*

The applicant requested, upon returning from a period of unpaid leave, to be transferred to the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA). The transfer was refused by the Commission because disciplinary proceedings had been instituted against the applicant following charges laid by the Portuguese authorities.

In support of his application, the applicant claims that the decision to initiate disciplinary proceedings against him infringes the fifth paragraph of Article 88 of the Staff Regulations. Furthermore, the applicant pleads breach of the principle that innocence must be presumed and infringement of Article 87 of the Staff Regulations, the rights of the defence and the findings of the Heads of Administration No 103 J/77.

The applicant claims, finally that the decision refusing to transfer him to the EMCDDA is unlawful inasmuch as it is based on a decision which is itself unlawful, namely the decision to initiate disciplinary proceedings.

**Action brought on 30 May 2002 by Etablissements Toulorge against European Parliament and Council of the European Union****(Case T-167/02)**

(2002/C 180/56)

*(Language of the case: French)*

An action against the European Parliament and the Council of the European Union was brought before the Court of First Instance of the European Communities on 30 May 2002 by Etablissements Toulorge, whose registered office is at Bricquebec (France), represented by Denis Waelbroek and Dirk Brinckman, lawyers.

The applicant claims that the Court should:

- annul Directive 2002/2/EC of the European Parliament and of the Council of 28 January 2002 amending Council Directive 79/373/EEC on the circulation of compound feedingstuffs and repealing Commission Directive 91/357/EEC;
- declare the non-contractual liability of the Community, in the body of the Council and the European Parliament and order the defendants to make good all the damage suffered by the applicant as a consequence of that directive;
- order the parties to produce, within a reasonable period after the Court of First Instance delivers its decision, exact figures to quantify the damage which the parties have agreed or, in the absence of such agreement, order the parties to transmit to the Court of First Instance, within the same period, additional claims containing such exact figures;
- order interest to be paid at an annual rate of 8 % (or any other appropriate rate which the Court may decide) with effect from the date of the decision of the Court finding the Community liable until actual payment is made;
- order the defendant to pay the costs.