

The applicant claims that the Court should:

- annul the decision of the Commission notified in a letter of 11 June 2002 concerning ERDF action No 66 and the correction of the accounts relating to ERDF action No 67;
- order the Commission to pay the expenditure incurred by the Comune di Napoli in these proceedings, including in respect of lawyers' fees.

Action brought on 9 September 2002 by D against European Investment Bank

(Case T-275/02)

(2002/C 261/38)

(Language of the case: French)

Pleas in law and main arguments

The present action seeks the annulment of the decision of 11 June 2002 closing ERDF file 85 05 03 066 (hereafter 'ERDF No 66') — 'Metropolitan link between Museo and Dante' — by which the European Commission reduced the amount of the contribution initially granted for completion of the project in question and implicitly rejecting the request for adjustment of the balance relating to earlier related ERDF action No 85 05 03 067 (hereafter 'ERDF No 67') — 'Rail link — Naples Town Centre'. The contested decision accepted a level of expenditure lower than the amount initially provided for and actually incurred, and accordingly reduced the contribution initially agreed by the defendant.

In support of its claims, the applicant alleges breach of the principle that legitimate expectations be protected and of fairness, as well as failure to provide reasons.

The applicant claims in that regard that the Commission:

- gave rise, by its own previous conduct, to legitimate expectations on the part of the applicant regarding the possibility that it might receive the full agreed amount, since the work covered by the intervention had been completed as planned, and the eligible expenditure — actually incurred and properly accounted for — were on the whole not less than the initial planned investment.
- rejected the request for adjustment of the balance of ERDF intervention No 67 and reduced the contribution provided for in the context of ERDF No 66 on the ground that the eligible expenditure was of a lower amount (in that it was erroneously already attributed to the new intervention), despite the fact the expenditure incurred was on the whole greater and the acknowledgment, by the defendant, that the work had been completed in accordance with the project.

An action against the European Investment Bank was brought before the Court of First Instance of the European Communities on 9 September 2002 by D, represented by Joëlle Choucroun, lawyers, with an address for service in Luxembourg.

The applicant claims that the Court should:

- declare the present action admissible and well founded;
- annul the unilateral decision of the European Investment Bank dated 26 March 2002 concerning the four-month extension of the six-month trial-period agreed between the parties;
- annul the decision of the European Investment Bank dated 25 June 2002, reproduced on 28 June 2002, unilaterally terminating outside the trial period and with effect from 15 July 2002 the fixed-period employment contract with the applicant signed on 2 October 2001;
- order the European Investment Bank to pay to the applicant EUR 45 000 (forty-five thousand euros) by way of damages;
- order the European Investment Bank to pay the costs.

Pleas in law and main arguments

The applicant in the present case contests the extension of the probation period to be worked for the defendant, together with its unilateral termination of the applicant's employment contract at the end of that period.

In support of the arguments put forward, the applicant alleges:

- Infringement of the principle of legality, in that neither the letter engaging him nor the Staff Regulations of the

Bank provide for any extension of the probation period; the bank cannot claim that there has been an amendment in that regard.

- Infringement of the principle *pacta sunt servanda*, in that the Bank did not exercise, within the probation period, its right of termination without requiring to give reasons and with 15 days' notice and the defendant cannot unilaterally modify the terms of the contract.

The applicant further alleges breach of the duty to have regard for the welfare of officials and breach of the principle that legitimate expectations be protected.

Removal from the register of Case T-50/01 ⁽¹⁾

(2002/C 261/39)

(Language of the Case: English)

By order of 11 July 2002 the President of the First Chamber of the Court of First Instance of the European Communities ordered the removal from the register of Case T-50/01: Saffron Investments N.V. v Commission of the European Communities.

⁽¹⁾ OJ C 200, 14.7.2001.