

Action brought on 27 August 2002 by 'K' against the Court of Justice of the European Communities

(Case T-257/02)

(2002/C 274/48)

(Language of the case: French)

An action against the Court of Justice of the European Communities was brought before the Court of First Instance of the European Communities on 27 August 2002 by 'K', represented by Juan Ramón Iturriagoitia Bassas, lawyer.

The applicant claims that the Court of First Instance should:

- annul the decision taken by the appointing authority on 14 May 2002, notified 27 May 2002, concerning the claim for compensation for non-material loss and damage of any kind suffered by the applicant as a result of disease;
- order the defendant to pay the applicant, by way of compensation for the damage she has suffered and will in future suffer, the sum of EUR 350 000, subject to all necessary reservations, together with default interest at the rate of 10 % per annum from 4 October 1999 until the date of payment;
- order the defendant to pay the costs.

Pleas in law and main arguments

The applicant, an official of the Court of Justice, challenges that institution's refusal to compensate her for the non-material damage allegedly suffered as a result of her occupational disease, which has been recognised on the basis of Article 73 of the Staff Regulations and for which she has received compensation.

The pleas in law put forward in support of this action are similar to those put forward in Case T-255/02 H v Court of Justice.

Action brought on 10 September 2002 by Hendrikus Boukes against the European Parliament

(Case T-258/02)

(2002/C 274/49)

(Language of the case: French)

An action against the European Parliament was brought before the Court of First Instance of the European Communities on 10 September 2002 by Hendrikus Boukes, domiciled in Waldbredimus (Luxembourg), represented by Eric Boigelot, lawyer, with an address for service in Luxembourg.

The applicant claims that the Court should:

- annul the decision taken by the Secretary-General of the European Parliament, Julian Priestley, on 4 January 2002 dismissing the applicant's request of 4 October 2001 concerning the recognition of his marriage by the AIPN;
- annul the implied decision rejecting the applicant's complaint, brought in accordance with Article 90(2) of the Staff Regulations on 27 February 2002 and registered on 1 March 2002, to which the European Parliament has still not replied.
- in any event order the defendant to pay the costs.

Pleas in law and main arguments

The applicant in the present case challenges the refusal by the AIPN to take account of the formalisation of his partnership, treated as a civil marriage under Netherlands law and which legally records and recognises the family life that he leads in the context of a stable relationship with his partner, for the purpose of having it treated in the same way as marriage under the Staff Regulations.

In support of the forms of order sought, the applicant claims:

- breach of Article F(1), and (2) of the Treaty on the European Union and Article 3(2) EC;
- breach of Article 1a(1) and the second paragraph of Article 27 of the Staff Regulations and the provisions of the Staff Regulations governing remuneration and reimbursement of expenses, allowances and pension scheme;
- breach of Articles 7, 9 and 21 of the Charter of Fundamental Rights of the European Union;