

Finally, the applicant alleges breach of the principle of proportionality and breach of the principle of the protection of legitimate expectations based on the existence of Community financing for the production and marketing of 'Feta'.

(<sup>1</sup>) OJ L 277, p. 10.

(<sup>2</sup>) Judgment in Joined Cases C-289/96, C-293/96 and C-299/96 Denmark and Others v Commission [1999] ECR I-1541.

(<sup>3</sup>) Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs (OJ L 208, p. 1).

**Action brought on 18 December 2002 by Fernando Valenzuela Marzo against Commission of the European Communities**

(Case T-384/02)

(2003/C 55/83)

(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 18 December 2002 by Fernando Valenzuela Marzo, residing in Brussels, represented by Marc-Albert Lucas, lawyer.

The applicant claims that the Court should:

- annul the decisions of the head of the Administration of Individual Rights unit of the Administration Directorate-General of 16 November 2001 and 13 February 2002 refusing the applicant the second half of the installation allowance;
- annul the decision of the appointing authority of 16 September 2002 rejecting the complaint through official channels of 9 May 2002 against the abovementioned decisions;
- order the Commission to pay the applicant the second half of his installation allowance together with default interest at the rate of 8 % per annum with effect from 11 April 2001 and until payment is made in full;
- order the Commission to pay the costs.

*Pleas in law and main arguments*

The applicant is an official at the Commission in Brussels. In June 2000, on taking up his appointment, he settled in Brussels. His spouse subsequently settled in Brussels with him and organised the removal of the family, which took place on 11 April 2001, whilst continuing to be present at her former home in Madrid, where their youngest daughter was completing her secondary education. Consequently, his spouse and daughter did not join him until July 2001, which they declared to the Privileges and Immunities service.

By the contested decision, the Commission refused to pay the applicant the second half of the installation allowance.

In support of his action, the applicant pleads an error of law and a manifest error of assessment. According to the applicant, the administration attached decisive importance to the declarations made by his spouse and daughter to the Privileges and Immunities service. The applicant states that the concept of installation is a factual concept and that the text of the Staff Regulations does not prescribe any particular mode of proof.

The applicant also pleads an error of law and an omission of essential facts, since the administration considered the period laid down by Articles 5(4) and 9(3) of Annex VII to the Staff Regulations to be a mandatory time-limit and did not consider the possibility of waiving it by reason of the complainant's establishment as an official on taking up his appointment and the fact that his daughter was unable to join her parents in Brussels before the end of the school year.

**Action brought on 16 December 2002 by Lamprecht A.G. against Office for Harmonisation in the Internal Market (trade marks and designs) (OHIM)**

(Case T-386/02)

(2003/C 55/84)

(Language of the case: Spanish)

An action against Office for Harmonisation in the Internal Market (trade marks and designs) (OHIM) was brought before the Court of First Instance of the European Communities on 16 December 2002 by Lamprecht A.G., whose registered office is in Madrid, represented by Enrique Armijo Chávarri and Antonio Castán Pérez-Gómez.