

reunification of Germany, is henceforth incorporated in one of the pre-existing länder of the Federal Republic of Germany under a treaty concluded after that date.

(¹) OJ C 275 of 29.9.2001.

JUDGMENT OF THE COURT

(Fifth Chamber)

of 3 April 2003

in Case C-277/01 P: European Parliament v Ignacio Samper (¹)

(Appeals — Officials — Reconstruction of career — Consideration of comparative merits)

(2003/C 146/18)

(Language of the case: French)

(Provisional translation; the definitive translation will be published in the European Court Reports)

In Case C-277/01 P, European Parliament (Agents: H. von Herten and D. Moore): Appeal against the judgment of the Court of First Instance of the European Communities (Fourth Chamber) of 3 May 2001 in Case T-99/00 Samper v Parliament [2001] ECR-SC I-A-111 and II-507, seeking to have that judgment set aside, the other party to the proceedings being: Ignacio Samper employee of the European Parliament, resident in Madrid (Spain), (represented by E. Boigelot), the Court (Fifth Chamber), composed of: M. Wathelet, President of the Chamber, C.W.A. Timmermans, A. La Pergola, P. Jann and S. von Bahr (Rapporteur), Judges; L.A. Geelhoed, Advocate General; R. Grass, Registrar, has given a judgment on 3 April 2003, in which it has ruled:

1. Annuls the judgment of the Court of First Instance of 3 May 2001 in Case T-99/00 Samper v Parliament;
2. Refers the case back to the Court of First Instance for it to give judgment on the claims by Mr Samper for annulment of the decision of the European Parliament of 9 June 1999 reconstructing his career, in so far as it sets at 1 January 1998 the date for his promotion to Grade A 4 to take effect;
3. Reserves the costs.

(¹) OJ C 245 of 1.9.2001.

JUDGMENT OF THE COURT

(Fifth Chamber)

of 8 May 2003

in Case C-384/01: Commission of the European Communities v French Republic (¹)

(Failure of a State to fulfil obligations — Sixth VAT Directive — Article 12(3)(a) and (b) — Supplies of gas and electricity delivered by the public networks — Standing charge for supply networks — Reduced rate)

(2003/C 146/19)

(Language of the case: French)

(Provisional translation; the definitive translation will be published in the European Court Reports)

In Case C-384/01, Commission of the European Communities (Agents: E. Traversa and C. Giolito) v French Republic (Agents: G. de Bergues and P. Boussaroque): Application for a declaration that, by applying a reduced rate of value added tax to the fixed part of the prices for gas and electricity supplied by the public networks, the French Republic has failed to fulfil its obligations under Article 12(3)(a) and (b) of Sixth Council Directive 77/388/EC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment (OJ 1977 L 145, p. 1), as amended by Council Directive 96/95/EC of 20 December 1996 amending, with regard to the level of the standard rate of value added tax, Directive 77/388/EEC (OJ 1996 L 338, p. 89), the Court (Fifth Chamber), composed of: M. Wathelet, President of the Chamber, D.A.O. Edward (Rapporteur), A. La Pergola, P. Jann and A. Rosas, Judges; S. Alber, Advocate General; R. Grass, Registrar, has given a judgment on 8 May 2003, in which it:

1. Dismisses the application;
2. Orders the Commission of the European Communities to pay the costs.

(¹) OJ C 348 of 8.12.2001.