

Pleas in law and main arguments

The applicant, a former Commission official, worked for many years in the Berlaymont building, which was then contaminated with asbestos. In 1996, the applicant applied for recognition of the occupational nature of her illness and, in 1998, requested that a medical committee be consulted in accordance with Article 21 of the Rules on the Insurance of Officials of the European Communities against the Risk of Accident and of Occupational Disease. That medical committee issued a first majority opinion in 2000, but, after a complaint by the applicant, the Commission decided to refer to it a second time. On 23 April 2003, the applicant sent a diagnosis to the Commission, requesting that it be examined by the medical committee. In reply to that request, the Commission stated, by letter of 5 May 2003, that the medical committee had already finished its work and that it was therefore impossible to submit the diagnosis sent by the applicant to it for its opinion. The applicant challenges that latter decision, which she claims should be annulled. She also argues that the composition of the medical committee should have been changed at the time of the second reference to it, and therefore requests that two of its members be challenged. In support of her claims, she alleges misuse of powers, lack of independence and neutrality on the part of the medical committee, infringements of the principle of sound administration and the duty to pay due regard to the welfare of officials, and infringement of the principle of the protection of legitimate expectations.

Action brought on 20 June 2003 by Fédération Nationale des Syndicats d'Exploitants Agricoles (FNSEA) and Others against Commission of the European Communities

(Case T-245/03)

(2003/C 200/59)

(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 20 June 2003 by Fédération des Nationale des Syndicats d'Exploitants Agricoles (FNSEA), the Fédération Nationale Bovine (FNB), the Fédération Nationale des Producteurs de Lait (FNPL) and Jeunes Agriculteurs (JA), Fédération Nationale, established in Paris, represented by Bruno Néouze and Valérie Ledoux, lawyers, with an address for service in Luxembourg.

The applicants claims that the Court should:

- annul the Commission Decision of 2 April 2003, No C.38.279/F3 — French beef in respect of the FNSEA, the FNB, the FNPL and the JA;
- alternatively, cancel the fines imposed on them;
- further and alternatively, reduce the amount of the fines;
- order the Commission of the European Communities to pay the costs.

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The contested decision in the present case is the same as that in Case T-217/03 Fédération Nationale de la Coopération Bétail et Viande (FNCBV) v Commission ⁽¹⁾.

The pleas and main arguments are the same as those put forward in that case.

⁽¹⁾ See p. 30 of this Official Journal.