

3. *Orders the Commission to bear its own costs.*

(<sup>1</sup>) OJ C 3 of 5.1.2002.

### JUDGMENT OF THE COURT OF FIRST INSTANCE

of 23 October 2003

**in Case T-279/01: Giorgio Lebedef v Commission of the European Communities** (<sup>1</sup>)

**(Officials — Staff report — Late preparation — Action for compensation)**

(2004/C 7/57)

(Language of the case: French)

In Case T-279/01: Giorgio Lebedef, an official of the Commission of the European Communities, residing in Senningerberg (Luxembourg), represented by G. Bouneou and F. Frabetti, lawyers, with an address for service in Luxembourg, against Commission of the European Communities (Agent: J. Currall) — application, first, for annulment of the Commission's decisions partially rejecting the applicant's complaints seeking damages to compensate him for the non-material damage caused by the delay in the preparation of the staff reports concerning him for the periods 1995/1997 and 1997/1999 and, secondly, for damages to compensate him for that non-material damage — the Court of First Instance (Single Judge: V. Tiili); I. Natsinas, Administrator, for the Registrar, has given a judgment on 23 October 2002, in which it:

1. *Orders the Commission to pay the applicant the sum of EUR 1 500, in addition to the sum of EUR 619,73 already awarded by the Appointing Authority.*
2. *Dismisses the remainder of the action.*
3. *Orders the Commission to pay the costs.*

(<sup>1</sup>) OJ C 3 of 5.1.2002.

### JUDGMENT OF THE COURT OF FIRST INSTANCE

of 21 October 2003

**in Case T-302/01: Gerhard Birkhoff v Commission of the European Communities** (<sup>1</sup>)

**(Officials — Article 2(5) of Annex VII to the Staff Regulations — Cancellation of an allowance for dependent child who has reached majority — Legitimate expectations)**

(2004/C 7/58)

(Language of the case: Italian)

In Case T-302/01: Gerhard Birkhoff, former official of the Commission of the European Communities, now retired, residing in Weitnau (Germany), represented by V. Salvatore, lawyer, against Commission of the European Communities (Agents: J. Currall and A. Dal Ferro) — first, an application for annulment of the decision of the appointing authority of 26 September 2001 rejecting the complaint brought by the applicant against the decision of the Commission of 4 July 2001 by which it cancelled payment to the applicant of the dependent child allowance in respect of his daughter and of the decision of 4 July 2001 and, secondly, a claim for compensation for material and non-material damage — the Court of First Instance (Second Chamber), composed of N.J. Forwood, President, J. Pirrung and A.W.H. Meij, Judges; H. Jung, Registrar, gave a judgment on 21 October 2003, in which it:

1. *Annuls the decision of the Commission of 4 July 2001 cancelling, with effect from 1 July 2001, payment of the dependent child allowance in respect of the applicant's daughter who has reached majority.*
2. *Finds that there is no need to adjudicate on the claim for compensation for the damage arising from the loss of cover in respect of the applicant's daughter by the EC Sickness Insurance Fund, nor on the part of the claim seeking compensation for the tax consequences of the contested decision.*
3. *Dismisses the remainder of the claim for compensation.*
4. *Orders the Commission to pay two-thirds of the applicant's costs, including those incurred in the proceedings for interim relief in the present case.*

(<sup>1</sup>) OJ C 44 of 16.2.2002.