

Pleas in law and main arguments

The applicant, an official of the European Parliament, obtained a court decision on 6 August 1999 to the effect that her daughter should reside mainly with her. The applicant and her husband, also an official, were divorced by decree of 31 October 2001, which became final on 12 January 2002. The Parliament decided to pay the applicant only half the travel expenses for her daughter, and to do so as from 2002, the year in which the divorce took place.

By this application the applicant contests that decision, on the basis of Article 8 of Annex VII to the Staff Regulations. The applicant submits that, in view of the decision granting her primary custody of her daughter, the latter should be regarded as being her dependent child and therefore that the travel expenses should be paid to her at the full rate.

Action brought on 23 October 2003 by Bruno Gollnisch and Others against the European Parliament

(Case T-357/03)

(2004/C 7/72)

(Language of the case: French)

An action was brought before the Court of First Instance of the European Communities on 23 October 2003 against the European Parliament by Bruno Gollnisch, of Limonest (France), Marie-France Stirbois, of Villeneuve-Loubey (France), Carl Lang, of Boulogne-Billancourt (France), Jean-Claude Martinez, of Montpellier (France), Philip Claeys, of Overijse (Belgium) and Koen Dillon, of Antwerp (Belgium), represented by Wallerand de Saint Just, lawyer.

The applicants claim that Court of First Instance should:

- annul the decision of the Bureau of the European Parliament of 2 July 2003 and more particularly the provisions thereof adopting a proposal by Mr Poettering concerning the report of Mr Van Hulten, which amends the rules on the use of budgetary heading 3701;
- order the European Parliament to pay the costs and lawyer's fees amounting to EUR 10 000.

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Following the entry into force on 1 January 2001 of the new financial regulation applicable to the general budget of the European Communities ⁽¹⁾, the Parliament commenced a procedure for amendment of the rules concerning budgetary heading 3701, the credits of which are intended to cover administrative and operational expenses of the political groups and of the secretariat for non-attached Members. On 2 July 2003 the Bureau of the Parliament decided to adopt the revised version of the latter rules, subject to amendment of the Parliament's Rules of Procedure and other changes which might prove necessary following further consultations.

In support of their application for annulment of the decision adopting the new rules, the applicant invoke first the alleged failure to comply with formal requirements laid down for the adoption of such rules. They contend that the new rules were notified to them in the form of a proposal which did not purport to be the final version of an official document. They also submit that the contested measure was adopted without the budgetary control committee, from which an opinion had been sought, having issued its report and that therefore an essential procedural requirement had been disregarded. In addition to matters of form, the applicants also claim that the new rules infringe the principle of equal treatment by prohibiting new categories of expenses or employment of staff under budgetary heading 3701 only as far as non-attached Members are concerned.

⁽¹⁾ Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ L 248 of 16.9.2002, p. 1).

Action brought on 17 October 2003 by Siegfried Krahl against the Commission of the European Communities

(Case T-358/03)

(2004/C 7/73)

(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 17 October 2003 by Siegfried Krahl, residing in Zagreb (Croatia), represented by Sébastien Orlandi, Albert Coolen, Jean-Noël Louis and Étienne Marchal, lawyers, with an address for service in Luxembourg.