

Action brought on 22 April 2004 by Joël De Bry against Commission of the European Communities

(Case T-157/04)

(2004/C 168/22)

(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 22 April 2004 by Joël De Bry, residing in Woluwe-St-Lambert (Belgium), represented by Sébastien Orlandi, Albert Coolen, Jean-Noël Louis and Etienne Marchal, lawyers, with an address for service in Luxembourg.

The applicant claims that the Court should:

- Annul the decision establishing his career development report covering the period 1 July to 31 December 2002;
- Order the defendant to pay the costs.

Pleas in law and main arguments

In support of his action, the applicant states first of all that he was assessed by an assessor of the same grade as himself who was competing with the applicant for promotion. In the applicant's submission, that fact gives rise to a conflict of interests on the part of his assessor. The assessor did not inform the appointing authority of the position, contrary to Article 14 of the Staff Regulations.

The applicant then claims that there is an inconsistency between the assessments in the contested report and the marks awarded to him. He also claims that there has been a breach of the obligation to state reasons and of the rights of the defence in connection with a comment made by the validator concerning the applicant's alleged failure to observe normal working hours.

Action brought on 26 April 2004 by Gerasimos Potamianos against Commission of the European Communities

(Case T-160/04)

(2004/C 168/23)

(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 26 April 2004 by Gerasimos Potamianos, residing in Brimbergen (Belgium), represented by

Sébastien Orlandi, Albert Coolen, Jean-Noël Louis and Etienne Marchal, lawyers, with an address for service in Luxembourg.

The applicant claims that the Court should:

- Annul the decision of the appointing authority not to renew his contract as a temporary servant;
- Order the defendant to pay the costs.

Pleas in law and main arguments

The applicant is challenging the appointing authority's refusal to renew his contract as a member of the temporary staff.

In that regard, it is made clear that the contested decision is based exclusively on the policy limiting the services of non-permanent staff in force in DG RTD, which has the effect of excluding from the scope of recruitment all servants with more than six years' seniority in the service of the Commission, seniority which is greater than that of other servants allowed to take part.

In the applicant's submission, that limitation is contrary to the first subparagraph of Article 12(1) of the Conditions of Employment of other servants, which states that recruitment is to be directed to securing for the institution the service of persons of the highest standard of ability, efficiency and integrity. It is also contrary to the decision of DG ADMIN to authorise the extension of contracts of temporary servants 2(b) (operating budget) or 2(d) (research budget) of short duration until 30 April 2004.

In support of his claims, the applicant further alleges breach of the principle of non-discrimination and also misuse of powers in the present case.

Action brought on 26 April 2004 by Gregorio Valero Jordana against Commission of the European Communities

(Case T-161/04)

(2004/C 168/24)

(Language of the case: Spanish)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 26 April 2004 by Gregorio Valero Jordana, residing in Brussels, represented by Massimo Merola, lawyer.