

Action brought on 13 April 2004 by Antonietta Camurato Carfagno against the Commission of the European Communities

(Case T-143/04)

(2004/C 190/29)

(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 13 April 2004 by Antonietta Camurato Carfagno, resident in Braine-L'Alleud (Belgium), represented by Carlos Mourato, lawyer.

The applicant claims that the Court should:

- annul the decision of the Appeal Assessor of 9 April 2003 relating to the applicant's career development report (CDR) for the period from 1 July 2001 to 31 December 2002;
- annul the express decision of the Appointing Authority of 11 December 2003 rejecting the applicant's complaint (R/353/03);
- take formal note that the applicant reserves the right to advance an additional plea alleging misuse of powers on the part of the assessors and the Appointing Authority;
- order the defendant to pay the costs of the proceedings and the expenses necessarily incurred for the purposes of the proceedings, and in particular the expenses of retaining an address for service, travel and subsistence expenses and the fees and expenses of lawyers.

Pleas in law and main arguments:

The applicant challenges her career development report (CDR) for the period from 1 July 2001 to 31 December 2002.

In support of her application, the applicant submits that the assessments set out in her CDR are manifestly flawed having regard to several acts and events which took place during and after the period of reference and to comments made by the assessor and countersigning officer which contradict the mark given and its meaning. The applicant further considers that the CDR infringes Article 43 of the Staff Regulations in that the new system of assessment can result in the under-assessment of officials, as the applicant considers has occurred in her case,

particularly given the requirement that there be an average mark of 14/20.

The applicant further alleges:

- a manifest error of assessment;
- an infringement of the principle of equal treatment; and
- an infringement of the obligation to state reasons.

Action brought on 10 May 2004 by Patricia Wauthier and Viviane Deveen against Commission of the European Communities

(Case T-164/04)

(2004/C 190/30)

(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 10 May 2004 by Patricia Wauthier and Viviane Deveen, residing in Belgium, represented by G. Bounéou and F. Frabetti, lawyers, with an address for service in Luxembourg.

The applicants claim that the Court should:

- Annul the 2001-2002 appraisal exercise in relation to the applicants;
- Alternatively, annul the applicants' career development reviews (REC/CDR) for the period 1.7.2001 – 31.12.2002;
- Decide as to costs, expenses and fees and order the Commission of the European Communities to pay them.

Pleas in law and main arguments:

The pleas in law and main arguments relied upon by the applicants in this case are the same as those relied upon by the applicants in Cases T-43/04 and T-47/04.