

JUDGMENT OF THE COURT OF FIRST INSTANCE**of 7 July 2003****in Case T-175/03: Norbert Schmitt v European Agency for Reconstruction (EAR) ⁽¹⁾****(Member of the temporary staff — Termination of contract — Article 47(2)(a) of the CEOS — Observance of the provisions of the contract — Legitimate expectations)**

(2004/C 239/46)

(Language of the case: French)

In Case T-175/03: Norbert Schmitt, formerly of the temporary staff of the European Agency for Reconstruction, residing in Koellerbach (Germany), represented by L. Polanz, lawyer, against European Agency for Reconstruction (EAR) (Agent: C. Manolopoulos, assisted by J.-N. Louis, lawyer) — application for the annulment of the decision of the EAR terminating the applicant's contract and, in the alternative, an application for damages — the Court of First Instance (Fourth Chamber), composed of H. Legal, President, V. Tilli and M. Vilaras, judges; I. Natsinas, Administrator, for the Registrar, delivered a judgment on 7 July 2004 in which it:

1. *annuls the decision of the European Agency for Reconstruction (EAR) of 25 February 2003 terminating the applicant's contract;*
2. *orders the EAR to pay the costs, including those incurred in the proceedings for interim relief.*

⁽¹⁾ OJ 2003 C 184.

JUDGMENT OF THE COURT OF FIRST INSTANCE**of 29 June 2004****in Case T-188/03: Joëlle Hivonnet v Council of the European Union ⁽¹⁾****(Officials — Education allowance — Criteria for grant — Primary schooling — Nursery school)**

(2004/C 239/47)

(Language of the case: French)

In Case T-188/03: Joëlle Hivonnet, official of the Council of the European Union, residing in New York (United States of America), represented by G. Vandersanden and L. Levi, lawyers, against Council of the European Union (Agents: M. Sims and F. Anton) — application for annulment of the decision of the Council refusing to grant the applicant the education allowance for her daughter for the nursery school years 1999/2000 and 2000/2001 and only granting that allowance on an exceptional

basis for the nursery school year 2001/2002, and a claim for compensation seeking payment of default interest on the sums corresponding to those allowances and damages for the non-pecuniary damage suffered as a result of that decision — the Court of First Instance (Single Judge: N.J. Forwood); I. Natsinas, Administrator, for the Registrar, has given a judgment on 29 June 2004, in which it:

1. *Dismisses the application;*
2. *Orders the parties to bear their own costs.*

⁽¹⁾ OJ C 184, 2.8.2003.

ORDER OF THE PRESIDENT OF THE COURT OF FIRST INSTANCE**of 12 May 2004****in Case T-198/01 R [III]: Technische Glaswerke Ilmenau GmbH v Commission of the European Communities****(Proceedings for interim measures — State aid — Obligation to recover aid — Prima facie case — Urgency — Weighing up of interests — Exceptional circumstances)**

(2004/C 239/48)

(Language of the case: German)

In Case T-198/01 R [III]: Technische Glaswerke Ilmenau GmbH, established in Ilmenau (Germany), represented initially by G. Schohe and C. Arhold, and subsequently by C. Arhold and N. Wimmer, lawyers, with an address for service in Luxembourg, against the Commission of the European Communities (Agents: V. Di Bucci and V. Kreuzschitz), supported by Schott Glas, established in Mainz (Germany), represented by U. Soltész, lawyer — application for extension of the suspension of operation of Article 2 of Commission Decision 2002/185/EC of 12 June 2001 on State aid implemented by Germany for Technische Glaswerke Ilmenau GmbH (OJ 2002 L 62, p. 30) ordered in the present case by orders of the President of the Court of First Instance of 4 April 2002 and 1 August 2003 — the President of the Court of First Instance made an order on 12 May 2004, the operative part of which is as follows:

1. *The operation of Article 2 of Commission Decision 2002/185/EC of 12 June 2001 on State aid implemented by Germany for Technische Glaswerke Ilmenau GmbH is suspended pending delivery of the judgment ruling on the main action.*
2. *The costs, including those of the intervener, are reserved.*