

**Action brought on 16 June 2004 by Spyridon de Athanasios Pappas against the Committee of the Regions**

(Case T-254/04)

(2004/C 262/56)

(Language of the case: French)

An action against the Committee of the Regions was brought before the Court of First Instance of the European Communities on 16 June 2004 by Spyridon de Athanassios Pappas, residing in Kraainem (Belgium), represented by Xanthi Gousta, lawyer.

The applicant claims that the Court should:

- annul the decision of the appointing authority of the Committee of the Regions of 9 March 2004 in response to his complaint of 23 December 2003;
- annul the decision of 8 October 2003 of the Bureau of the Committee of the Regions annulling recruitment procedure 2000/C 28 A/01;
- order the Committee of the Regions to pay the costs.

*Pleas in law and main arguments:*

The applicant applied for the post of Secretary General of the Committee of the Regions and subsequently contested before the Court of First Instance (Case T-73/01) <sup>(1)</sup> the decision of the Committee to reject his application and appoint another candidate to that post. By judgment of 18 September 2003, <sup>(2)</sup> the Court of First Instance upheld his application. In the wake of that judgment, the Committee of the Regions, by decision of 8 October 2003, annulled the recruitment procedure at issue and opened a fresh recruitment procedure for the same post.

By this action, the applicant contests the latter decision and the decision rejecting the complaint he lodged about it. He submits that under Article 233 EC the defendant should have reopened the first recruitment procedure, by reconstructing his application file fully and accurately and then proceeding to consult the ad hoc selection committee. According to the applicant, it was only after those steps had been taken that the defendant could validly annul the first recruitment procedure.

<sup>(1)</sup> OJ C 161, 2.6.2001, p. 23.

<sup>(2)</sup> OJ C 289, 29.11.2003, p. 20.

**Action brought on 21 June 2004 by Anne Koistinen against the Commission of the European Communities**

(Case T-259/04)

(2004/C 262/57)

(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 21 June 2004 by Anne Koistinen, residing in Brussels, 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 Commission not to grant her the expatriation allowance provided for by Article 4(1)(a) of Annex VII of the Staff Regulations and to establish her place of origin as Brussels;
- order the defendant to pay the costs.

*Pleas in law and main arguments:*

The applicant entered the service of the Commission on 16 January 2002, as a member of the auxiliary staff. On 1 July 2003 she was appointed as a probationary official. Before entering the service of the Commission, she had worked for a private firm in Brussels from 15 January 1996 to 16 August 1998, for the same firm in Helsinki from 17 August 1998 to 2 September 1998 and from 7 September 1998 to 15 January 2002 in Brussels for 'Finpro', a Finnish non profit-making organisation.

By this action the applicant contests the decision of the Commission not to grant her the expatriation allowance. She pleads a breach of Article 4(1)(a) of Annex VII of the Staff Regulations, pointing out that she did not live in Brussels or carry out her principal professional activity there for the whole of the reference period laid down by that provision, as she lived and worked in Helsinki from 17 August 1998 to 2 September 1998. In the alternative, she submits that 'Finpro' was part of the Finnish Permanent Representation to the European Union and that, therefore, the period during which she worked there should not be taken into account as that constituted work done for another State.