

Second, the applicant complains that the contested decision disregarded the requirements of the principle of sincere cooperation which applies to the European Commission in its relations with national institutions, as established under Article 10 EC and set out in Regulation (EC) No 1/2003, first, by failing to inform the national court in full of the background to the case, then, by failing to consult the French competition authority, as provided in Article 11(6) of that regulation, even though the matter had been brought before it in January 2004.

Third and finally, the applicant alleges an infringement of the principle of proportionality both in light of the apparent objective of the inspection and the background to it and the complete lack of evidence of the existence of a risk that evidence will be concealed or destroyed.

(¹) OJ 2003 L 1, of 4.1.2003, p. 1.

Action brought on 9 August 2004 by Herta Adam against the Commission of the European Communities

(Case T-342/04)

(2004/C 262/99)

(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 9 August 2004 by Herta Adam, residing at Brussels, represented by S. Orlandi, A. Coolen, J.-N. Louis and E. Marchal, lawyers, with an address for service in Luxembourg.

The applicant claims that the Court should:

- annul the Commission's decision refusing the applicant the benefit of the expatriation allowance provided for by Article 4(1)(a) of Annex VII to the Staff Regulations;
- order the defendant to pay the costs.

Pleas in law and main arguments

In support of her application, the applicant alleges infringement of Article 4 of Annex VII to the Staff Regulations in that the period during which she worked in the office of the representation of a German Land in Brussels is not considered by the Commission as employment arising from services carried out for another State. The applicant also alleges infringement of the principle of equal treatment.

Action brought on 6 August 2004 by Vassilios Tsarnavas against the Commission of the European Communities

(Case T-343/04)

(2004/C 262/100)

(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 6 August 2004 by Vassilios Tsarnavas, resident in Volos (Greece), represented by N. Lhoëst, lawyer, with an address for service in Luxembourg.

The applicant claims that the Court should:

- annul the decision of the appeal assessor adopted on 4 August 2003, approving, without amendment, the applicant's final staff report for the period from 1 July 1997 to 30 June 1999;
- annul the Commission's implied decision rejecting the complaint submitted by the applicant under Article 90(2) of the Staff Regulations on 30 December 2003;
- order the Commission to pay the applicant compensation of EUR 10 000 in respect of non-material damage;
- order the Commission to pay the costs of this action.

Pleas in law and main arguments:

The applicant challenges the appeal assessor's decision, which approves, without amendment, his staff report for the period 1997–1999. He also claims compensation for the non-material damage he has suffered.

The applicant puts forward the following pleas in support of his application for annulment:

- procedural irregularities;
- manifest error of assessment;
- failure to state reasons;
- misuse of powers and harassment;

As regards his claim for compensation, the applicant submits that the staff report was drawn up four years late, which is quite unacceptable. Furthermore, the applicant was subjected to harassment. For all the damage suffered, the applicant is claiming compensation which he assesses, on the basis of equity, at EUR 10 000.