

1. *Annuls Commission Decision 2003/25/EC of 11 December 2001 relating to a proceeding under Article 81 of the EC Treaty (Case COMP/E — 1/37.919 (ex 37.391) — Bank charges for exchanging euro-zone currencies — Germany) in so far as it concerns the applicant;*
2. *Orders the Commission to pay the costs.*

(¹) OJ C 109 of 4.5.2002.

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 14 October 2004

in Case T-137/02: Pollmeier Malchow GmbH & Co. KG v Commission of the European Communities (¹)

(State aid — Action for annulment — Recommendation 96/280/EC — Meaning of small and medium-sized enterprises (SMEs))

(2004/C 314/38)

(Language of the case: German)

In Case T-137/02: Pollmeier Malchow GmbH & Co. KG, established in Malchow (Germany), represented by S. Völcker and J. Heithecker, lawyers, against Commission of the European Communities (Agents: V. Kreuzschitz and V. Di Bucci, and M. Núñez-Müller) — action for annulment of Commission Decision 2002/821/EC of 15 January 2002 on the State aid implemented by Germany for Pollmeier GmbH, Malchow (OJ 2002 L 296, p. 20) — the Court of First Instance (Fourth Chamber, Extended Composition), composed of H. Legal, President, V. Tiili, A.W.H. Meij, M. Vilaras and N.J. Forwood, Judges; D. Christensen, Administrator, for the Registrar, has given a judgment on 14 October 2004, in which it:

1. *Dismisses the action;*
2. *Orders the applicant to pay the costs.*

(¹) OJ C 169 of 13.07.2002.

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 5 October 2004

in Case T-144/02: Richard J. Eagle and Others v Commission of the European Communities (¹)

(Staff employed at the JET Joint Undertaking — Equal treatment — Failure to confer status of temporary servant — Article 152 EA — Reasonable time — Material damage sustained)

(2004/C 314/39)

(Language of the case: English)

In Case T-144/02: Richard J. Eagle, residing in Oxfordshire (United Kingdom), and the 12 applicants whose names appear in the annex, represented by D. Beard, Barrister, against Commission of the European Communities (Agents: J. Currall and L. Escobar Guerrero, with an address for service in Luxembourg), supported by Council of the European Union (Agents: J.-P. Hix and A. Pilette) — application for damages for the material loss sustained as a result of the failure to recruit the applicants as temporary servants of the Communities during the time they worked at the Joint European Torus (JET) Joint Undertaking — the Court of First Instance (First Chamber), composed of B. Vesterdorf, President, M. Jaeger and H. Legal, Judges; J. Plingers, Administrator, for the Registrar, has given a judgment on 5 October 2004, in which it:

1. *Orders the Commission to pay damages for the financial loss sustained by each of the applicants as a result of the fact that they were not recruited as temporary servants of the Communities during the time they worked at the Joint European Torus (JET) Joint Undertaking;*
2. *Orders the parties to produce to the Court of First Instance within six months of this judgment an agreement on the quantum of damages due in reparation of the said loss;*
3. *In the absence of agreement orders the parties to put before the Court of First Instance within the same period their submissions on the quantum of damages;*
4. *Reserves the costs.*

(¹) OJ C 169 of 13.7.2002.