

The applicant claims that the Court should:

1. annul the decision of the Commission establishing his 2003 Career Development Report;
2. order the defendant to pay the costs.

Pleas in law and main arguments

By his claim, the applicant seeks annulment of his 2003 Career Development Report. In support of his action, he submits that the contested report infringes Article 43 of the Staff Regulations, their general implementing provisions and the duty to give reasons and is the result of a manifest error of assessment. In that context, the applicant points to several alleged inconsistencies between, on the one hand, the marks awarded to him and, on the other, the associated comments.

Action brought on 27 May 2005 by Marie-Yolande Beau against the Commission of the European Communities

(Case T-215/05)

(2005/C 205/45)

(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 27 May 2005 by Marie-Yolande Beau, residing in Paris, represented by Georges Vandersanden and Laure Levi, lawyers.

The applicant claims that the Court should:

- annul the decision of the appointing authority refusing to accede to the request for recognition of the occupational origin of her disease and charging to her the fees and incidental costs of the doctor nominated by her and half of the fees and incidental costs of the third doctor,

- order the defendant to pay all of the costs.

Pleas in law and main arguments

In the present proceedings, the applicant is challenging the appointing authority's refusal to accede to her request for recognition, in accordance with Article 73 of the Staff Regulations, of the occupational origin of her disease.

In that regard, she asserts that she began to have serious respiratory problems early in 1996, whereas upon being recruited, in 1988, she was in good health. Furthermore, a decision was taken to invalid her from the service.

In support of the form of order sought, the applicant claims that the medical committee:

- misunderstood the concept of occupational disease and failed to comply with its terms of reference. In that regard, the applicant asserts that the medical committee did not respond in its report to the question whether the occupational factor was one factor or the factor that triggered her pathology. On that point, the fact that the applicant has continued to suffer certain difficulties after leaving the service does not mean that her pathology could not have an occupational origin. Furthermore, the Commission did not make a finding as to the possible application in the present case of Article 14 of the Staff Regulations,
- did not give a proper account of the reasons for its findings, in the light of medical reports that were appreciably different,
- failed to take the relevant medical reports into consideration,
- based its findings on an incomplete report,
- subjected the applicant to respiratory functional tests which, unlike a possible provocation test specific to tobacco, which was not carried out, could not be relevant.