

The applicant claims that the Court should:

1. annul the decision to appoint the applicant an official of the European Communities, insofar as it determines his grade of recruitment in accordance with Article 12 of Annex XIII to the Staff Regulations;
2. order the defendant to pay the costs.

Pleas in law and main arguments

The pleas and main arguments are identical to those raised in Case T-130/05 *Albert-Bousquet and Others v Commission* ⁽¹⁾.

⁽¹⁾ OJ C 132, 28.5.2005, p. 31.

Action brought on 17 June 2005 by Willem Aldershoff against the Commission of the European Communities

(Case T-236/05)

(2005/C 205/58)

(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 17 June 2005 by Willem Aldershoff, residing in Brussels, represented by Sébastien Orlandi, Xavier Martin, 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 approving his career development report for the period from 1 January 2003 to 31 December 2003,
- order the defendant to pay the costs.

Pleas in law and main arguments

In support of his action, the applicant alleges manifest error of assessment on account of the fact that he was not given the assessment 'Exceptional' or 'Very good' for his performance, although he had attained, and even exceeded, his objectives despite particular problems encountered in this work-place.

The applicant then refers to alleged inconsistency between, on the one hand, the remarks made in the contested report which demonstrate improvement in that he exceeded his objectives and, on the other, the marks awarded him which were below average.

Last, the applicant alleges lack of a relevant statement of reasons for the contested decision.

Action brought on 17 June 2005 by Editions Odile Jacob SAS against the Commission of the European Communities

(Case T-237/05)

(2005/C 205/59)

(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 17 June 2005 by Editions Odile Jacob SAS, established in Paris, represented by W. van Weert and O. Fréget, lawyers.

The applicant claims that the Court should:

1. annul the contested decision, in which the Commission refused to send to the applicant documents which it had requested, since:
 - the Commission did not specifically and individually examine each of the documents to which the applicant was seeking access;
 - the Commission wrongly applied the exceptions under Article 4(2) of Regulation No 1049/2001;
 - the Commission infringed in any event the applicant's right to partial access to the documents requested;
 - the Commission infringed the principle of proportionality by not balancing application of the exceptions under Article 4(2) of Regulation No 1049/2001 with the higher interest justifying the disclosure of the documents.