

**Action brought on 19 July 2005 by Bernd Lippert against the European Parliament**

(Case T-285/05)

(2005/C 229/72)

(Language of the case: French)

An action against the European Parliament was brought before the Court of First Instance of the European Communities on 19 July 2005 by Bernd Lippert, residing in Helmsange (Luxembourg), 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:

1. annul the decision appointing the applicant as an official of the European Communities insofar as it fixes his grade on recruitment by application of 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 in law and main arguments are identical to those raised in Case T-130/05, *Albert-Bousquet and Others v Commission*.<sup>(1)</sup>

<sup>(1)</sup> OJ C 132, 28.5.2005, p. 31.

**Action brought on 18 July 2005 by the Centre Européen pour la Statistique et le Développement A.s.b.l. (C.E.S.D.) against the Commission of the European Communities**

(Case T-286/05)

(2005/C 229/73)

(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 18 July 2005 by the Centre Euro-

péen pour la Statistique et le Développement A.s.b.l. (C.E.S.D.), established in Luxembourg, represented by D. Grisay, lawyer, with an address for service in Luxembourg.

The applicant claims that the Court should:

1. declare that the Commission's decision of 18 May 2005 is void on the ground that it results from misuse of powers, and/or that it is vitiated by failure to state reasons and manifest error of assessment;
2. alternatively, declare that the said decision is void, in so far as it concerns the 25 contracts not covered by the audit;
3. order the defendant to pay the costs.

*Pleas in law and main arguments*

Following the irregularities found within DG-EUROSTAT, the Commission adopted the contested decision by which it instructed the delegated authorising officers to terminate as soon as possible, in accordance with the procedures provided for by the contracts, all contractual relationships with certain entities, including the applicant.

In support of its action, the applicant alleges misuse of the Commission's powers, on the ground that the contested decision evades the particular dispute resolution procedures provided for by each contract and substitutes for them the unilateral method of a decision based on Article 93(1)(f) of Regulation No 1605/2002.<sup>(1)</sup> The applicant relies, in the same context, on the contested decision's alleged failure to state reasons.

The applicant also pleads the contested decision's manifest error of assessment, in the characterisation of the facts alleged against it as a serious breach of contract, in the terms of Article 93(1)(f) of Regulation No 1605/2002.

Finally, the applicant alleges that the contested decision is based on an audit concerning only one of the contracts concluded between it and the Commission and that, therefore, it is vitiated by failure to state reasons, at least in so far as the 25 other contracts not covered by the audit are concerned.

<sup>(1)</sup> Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities, OJ of 16.9.2002, p. 1.