

**Order of the Court of First Instance of 26 October 2005**  
— **Ouariachi v Commission**

(Case T-124/04) <sup>(1)</sup>

*(Action for damages — Non-contractual liability of the Community — Damage caused by a member of staff in the exercise of his functions — Absence of causal link)*

(2006/C 10/41)

*Language of the case: French*

**Parties**

*Applicant:* Jamal Ouariachi (Rabat, Morocco) (represented by: F. Blanmailland and C. Verbrouck, lawyers)

*Defendant:* Commission of the European Communities (represented by: F. Dintilhac and G. Boudot, Agents)

**Application for**

damages to compensate for the loss allegedly suffered by the applicant following the alleged illegal conduct of a member of staff of the Commission delegation in Khartoum (Sudan)

**Operative part of the Order**

1. *The application is dismissed as being manifestly unfounded.*
2. *The applicant shall pay the costs.*

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<sup>(1)</sup> OJ C 118 of 30.4.2004.

**Order of the Court of First Instance of 27 October 2005**  
— **GAEC Salat v Commission**

(Case T-89/05) <sup>(1)</sup>

*(Action for failure to act — Complaint concerning the protected designation of origin ‘Salers’ — Regulation (EC) No 828/2003 — Definition of position by the Commission — Manifest inadmissibility)*

(2006/C 10/42)

*Language of the case: French*

**Parties**

*Applicant:* GAEC Salat (Farges, France) (represented by: F. Delpeuch, lawyer)

*Defendant:* Commission of the European Communities (represented by: F. Clotuche-Duvieusart, Agent)

**Application for**

declaration of failure to act in that the Commission failed to adopt a decision on the applicant's complaint against the French Republic

**Operative part of the Order**

1. *The application is dismissed as manifestly inadmissible.*
2. *The applicant shall pay the costs.*

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<sup>(1)</sup> OJ C 106 of 30.4.2005

**Action brought on 6 October 2005 — Schierhorst v Commission**

(Case T-374/05)

(2006/C 10/43)

*Language of the case: French*

**Parties**

*Applicant:* Rainer Johannes Schierhorst (Georgetown, Guyana) (represented by: S. Rodrigues, A. Jaume, lawyers)

*Defendant:* Commission of the European Communities

**Form of order sought**

The applicant claims that the Court should:

- annul the decision of the Appointing Authority rejecting the applicant's complaint, taken together with the decision appointing the applicant adopted by the Appointing Authority on 5 January 2005, in that it fixes his grade by application of Article 12(3) of Annex XIII to the Staff Regulations and his step pursuant to the current Article 32 of the Staff Regulations;
- indicate to the Appointing Authority the effects of annulling the contested decisions, in particular the regrading of the applicant at grade A\*10, step 4, with retrospective effect from 1 February 2005, the date on which the decision of 11 October 2004 appointing the applicant took effect;
- in the alternative, order the Commission to make good the loss suffered by the applicant because he was not graded at grade A\*10, step 4, from 1 February 2005, the date on which the decision of 5 January 2005 appointing the applicant took effect;
- order the defendant to pay the costs.