

## Operative part of the judgment

The Court:

- 1) Dismisses the action;
- 2) Orders the applicant to bear, in addition to its own costs, the costs incurred by the Council and the Commission;
- 3) Orders the Kingdom of Spain to bear its own costs.

(<sup>(1)</sup>) OJ C 247 of 26.8.2000.

## Judgment of the Court of First Instance of 8 December 2005 — Patrick Reynolds v European Parliament

(Case T-237/00) (<sup>(1)</sup>)

*(Officials — Secondment in the interests of the service — Article 38 of the Staff Regulations — Political group — Early termination of secondment — Rights of the defence — Obligation to state reasons — Legitimate expectation — Duty to have regard to the welfare of officials — Misuse of powers — Action for annulment — Action for damages — Setting aside in part of a judgment of the Court of First Instance — Res judicata)*

(2006/C 48/42)

Language of the case: French

### Parties

*Applicant:* Patrick Reynolds (Brussels (Belgium)) (represented by: P. Legros and S. Rodrigues, avocats)

*Defendant:* European Parliament (represented by: H. von Herten and D. Moore, acting as Agents)

### Application for

first, annulment of the decision of 18 July 2000 of the Secretary-General of the Parliament terminating the applicant's secondment in the interests of the service to the political group 'Europe of Democracies and Diversities' and reinstating him in the Directorate-General for Information and Public relations and, second, compensation for the harm sustained by the applicant owing to the adoption of that decision by the defendant and to the actions of the political group and of certain of its members

## Operative part of the judgment

The Court:

- 1) Annuls the decision of 18 July 2000 of the Secretary-General of the Parliament terminating the applicant's secondment in the interests of the service to the EDD political group and reinstating him in the Directorate-General for Information and Public Relations in so far as that decision is applicable between 15 July 2000 and 24 July 2000;

- 2) Orders the Parliament to pay the applicant a sum corresponding to the difference between the remuneration which he should have received as an official in Grade A 2, Step 1, and that which he received following his reinstatement in Grade LA 5, Step 3, for the period 15 to 24 July 2000, plus default interest at the rate of 5.25 % per annum from the date on which the amounts making up that sum were payable until such date as payment is actually made. The rate of interest to be applied is calculated on the basis of the rate set by the European Central Bank for main refinancing operations applicable during the period concerned, plus two percentage points;
- 3) Declares the action for compensation inadmissible in so far as it relates to reparation for the harm caused by conduct not entailing a decision on the part of the EDD Group and of certain of its members;
- 4) Dismisses the remainder of the application;
- 5) Orders the parties to bear their own costs pertaining to all the proceedings referred to in paragraph 213 above.

(<sup>(1)</sup>) OJ C302 of 21. 10. 2000.

## Judgment of the Court of First Instance of 14 December 2005 — Groupe Fremaux and Palais Royal v Council and Commission

(Case T-301/00) (<sup>(1)</sup>)

*(Non-contractual liability of the Community — Incompatibility of the Community regime governing the import of bananas with the rules of the World Trade Organisation (WTO) — Imposition by the United States of America of retaliatory measures in the form of increased customs duty levied on imports from the Community, pursuant to a WTO authorisation — Decision of the WTO Dispute Settlement Body — Legal effects — Community liability in the absence of unlawful conduct of its institutions — Causal link — Unusual and special damage)*

(2006/C 48/43)

Language of the case: French

### Parties

*Applicants:* Groupe Fremaux SA (Paris, France) and Palais Royal Inc. (Charlottesville, Virginia, United States) (represented by C. Lazarus, F. Prunet and L. Van den Hende, lawyers)

*Defendants:* Council of the European Union (represented by J. Huber, F. Ruggeri Laderchi and S. Marquardt, acting as Agents) and Commission of the European Communities (represented initially by E. Righini, L. Gussetti and M. de Pauw, and subsequently by P. Kuijper, V. Di Bucci, C. Brown and E. Righini, acting as Agents)

*Intervener in support of the defendants:* Kingdom of Spain (represented initially by R. Silva de Lapuerta, and subsequently by E. Braquehais Conesa, acting as Agents)