

**Judgment of the Court of First Instance of 17 May 2006 —
Lavagnoli v Commission**

(Case T-95/04) ⁽¹⁾

(Officials — Staff report — Regularity of the assessment procedure — Carrying on of activities by staff and union representative — Obligation to state reasons — Action for annulment)

(2006/C 165/47)

Language of the case: French

Parties

Applicant: Luciano Lavagnoli (Berchem, Luxembourg) (represented by: G. Bounéou and F. Frabetti, lawyers)

Defendant: Commission of the European Communities (represented by: J. Curral and H. Krämer, Agents)

Re:

Application for annulment of the assessment exercise for the period from 1 July 1999 to 30 June 2001 as regards the applicant and of the decision adopting the applicant's definitive staff report for that period

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the parties to bear their own costs.

⁽¹⁾ OJ C 106, 30.4.2004.

**Judgment of the Court of First Instance of 10 May 2006 —
R v Commission**

(Case T-331/04) ⁽¹⁾

(Officials — Appointment — Classification in grade — Article 31(2) of the Staff Regulations)

(2006/C 165/48)

Language of the case: German

Parties

Applicant: R (Chaumont-Gistoux, Belgium) (represented by: B. Arians, lawyer)

Defendant: Commission of the European Communities (represented by: V. Joris and H. Kraemer, acting as Agents)

Re:

Application for the annulment of the decision relating to the applicant's classification in grade

Operative part of the judgment

The Court:

1. Dismisses the application;
2. Orders each party to bear its own costs.

⁽¹⁾ OJ C 284, 20.11.2004.

**Judgment of the Court of First Instance of 10 May 2006 —
Air One SpA v Commission of the European Communities**

(Case T-395/04) ⁽¹⁾

(State aid — Air transport — Complaint — Failure by the Commission to define its position — Action for failure to act — Time-limit — Admissibility)

(2006/C 165/49)

Language of the case: Italian

Parties

Applicant: Air One SpA (Chieti, Italy) (represented by: G. Belotti and M. Padellaro, lawyers)

Defendant: Commission of the European Communities (represented by: V. Di Bucci and E. Righini, Agents)

Re:

Application Action under Article 232 EC for a declaration that the Commission has unlawfully failed to define its position on the applicant's complaint concerning aid granted to the air carrier Ryanair by the Italian authorities

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the applicant to pay the costs

⁽¹⁾ OJ C 300, 4.12.2004.