

*Defendant:* Commission of the European Communities (represented by: initially D. Waelbrock, then H. Tserepa-Lacombe, Agents, the latter assisted by N. Rampal, lawyer)

**Re:**

Application for, first, annulment of the Commission's decision fixing the dates of the beginning and end of the applicant's maternity leave in accordance with Article 58 of the Staff Regulations of Officials of the European Communities and, second, damages.

**Operative part of the judgment**

*The Court:*

1. Annuls the Commission's decision of 23 October 2003 fixing the dates of the beginning and end of the applicant's maternity leave;
2. Dismisses the remainder of the application;
3. Orders the Commission to pay the costs.

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(<sup>1</sup>) OJ C 228 of 11.9.2004.

**Judgment of the Court of First Instance (Fifth Chamber) of 3 May 2007 — Crespinet v Commission**

(Case T-261/04) (<sup>1</sup>)

**(Officials — Promotion — Promotion year 2003 — Award of promotion points)**

(2007/C 140/32)

*Language of the case: French*

**Parties**

*Applicant:* Alain Crespinet (Rosières, Belgium) (represented by: S. Orlandi, A. Coolen, J.-N. Louis and É. Marchal, lawyers)

*Defendant:* Commission of the European Communities (represented by: H. Tserepa-Lacombe and C. Berardis-Kayser, acting as Agents)

**Re:**

Application for the annulment of the decision of the Commission by which promotion points were awarded to the applicant for the promotion year 2003 and the decision not to enter the applicant's name on the list of officials promoted to grade A5 for that promotion year.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders that each party is to bear its own costs.

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(<sup>1</sup>) OJ C 273, 6.11.2004

**Judgment of the Court of First Instance of 8 May 2007 — Citymo v Commission**

(Case T-271/04) (<sup>1</sup>)

**(Contractual liability — Arbitration clause — Lease contract — Inadmissibility — Non-contractual liability — Pre-contract negotiations — Plea of illegality — Legitimate expectation — Good faith — Abuse of rights — Material loss — Lost opportunity)**

(2007/C 140/33)

*Language of the case: French*

**Parties**

*Applicant:* Citymo SA (Brussels, Belgium) (represented by: P. Van Ommeslaghe, I. Heenen and P.-M. Louis, lawyers)

*Defendant:* Commission of the European Communities (represented by: L. Parpala and E. Manhaeve, acting as Agents, and D. Philippe and M. Gouden, lawyers)

**Re:**

Principally, an action in contractual liability based on an arbitration clause seeking an order that the Commission pay to the applicant company damages for its repudiation of a lease contract allegedly concluded between it and the European Community, represented by the Commission, and, in the alternative, an action in non-contractual liability seeking compensation for the loss allegedly suffered by the applicant following the Commission's decision to halt pre-contractual negotiations relating to conclusion of that lease contract.

**Operative part of the judgment**

*The Court:*

1. The Commission shall be ordered to pay to the applicant the sum of EUR 20 000 together with late payment interest thereon to run from the date of delivery of this judgment to the date of actual payment at an annual rate equal to the rate fixed by the European Central Bank for main refinancing operations, increased by 2 points, provided that it does not exceed a rate of 6 %;
2. The remainder of the action is dismissed;
3. Each party shall bear its own costs.

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(<sup>1</sup>) OJ C 262, 23.10.2004.