

**Judgment of the Court of First Instance of 19 June 2007 —
Asturias Cuerno v Commission**

(Case T-473/04) ⁽¹⁾

*(Officials — Remuneration — Expatriation allowance —
Article 4(1)(a) of Annex VII to the Staff Regulations —
Services carried out for an international organisation —
Installation allowance — Daily subsistence allowance)*

(2007/C 183/62)

Language of the case: Spanish

Parties

Applicant: Cristina Asturias Cuerno (Brussels, Belgium) (represented by: R. García-Gallardo Gil-Fournier and A. Sayagués Torres, lawyers)

Defendant: Commission of the European Communities (represented by: J. Currall, acting as Agent, assisted by J. Rivas Andrés, J. Gutiérrez Gisbert and M. Canal Fontcuberta, lawyers)

Re:

Application for annulment of the Commission's decision of 25 August 2004 not to accept the applicant's complaint of 27 April 2004 and not to grant him the expatriation allowance provided for in Article 4(1)(a) of Annex VII to the Staff Regulations of Officials of the European Communities and the allowances associated therewith.

Operative part of the judgment

The Court:

1. Annuls the Commission's decisions of 28 January and 25 August 2004;
2. Declares that the applicant is entitled to the expatriation allowance provided for by Article 4(1)(a) of Annex VII to the Staff Regulations of Officials of the European Communities and the installation allowance provided for by Article 5 of that Annex;
3. Dismisses the remainder of the action;
4. Orders the Commission to pay the costs.

⁽¹⁾ OJ C 45, 19.2.2005.

**Judgment of the Court of First Instance of 27 June 2007 —
Kingdom of the Netherlands v Commission**

(Case T-182/06) ⁽¹⁾

*(Approximation of laws — Derogating national provisions —
Rejection by the Commission of a draft decree advancing the
lowering of the Community limit on emissions of particulate
matter produced by certain new diesel-powered vehicles —
Duty of care and to state reasons — Specificity of the notifying
Member State's problem in complying with the
Community limits on concentrations of particulate matter in
ambient air)*

(2007/C 183/63)

Language of the case: Dutch

Parties

Applicant: Kingdom of the Netherlands (represented by: H. Sevenster and M. de Grave, Agents)

Defendant: Commission of the European Communities (represented by: M. Patakia, A. Alcover San Pedro and H. van Vliet, Agents)

Re:

Annulment of Commission Decision 2006/372/EC of 3 May 2006 concerning draft national provisions notified by the Kingdom of the Netherlands under Article 95(5) of the EC Treaty laying down limits on the emissions of particulate matter by diesel-powered vehicles (OJ 2006 L 142, p. 16)

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the Kingdom of the Netherlands to pay the costs.

⁽¹⁾ OJ C 212, 2.9.2006.