

ORDER OF THE PRESIDENT OF THE COURT  
OF 13 MARCH 1980 <sup>1</sup>

**B. v European Parliament**

Case 731/79 R II

In Case 731/79 R II

B., a medical practitioner and an official of the European Parliament, residing at Kehlen, represented by W. H. Vermeer, of the Amsterdam Bar, with an address for service in Luxembourg c/o Dr P. Stein, 2 Avenue Pescatore,

applicant,

v

EUROPEAN PARLIAMENT, represented by F. Pasetti-Bombardella, Director-General of Administration, Personnel and Finance, Kirchberg, Luxembourg, assisted by Francis Herbert, of the Brussels Bar, with an address for service in Luxembourg at the European Centre, Kirchberg,

defendant,

APPLICATION for an order by the President of the Court, pursuant to the Rules on the Insurance of Officials of the European Communities against the risk of Accident and of Occupational Disease for the setting up of a Medical Board to assess the occupational nature of the applicant's illness,

THE JUDGE ACTING AS PRESIDENT,

in accordance with Articles 11 and 96 (1) of the Rules of Procedure of the Court

makes the following

<sup>1</sup> — Language of the Case: Dutch.

## ORDER

### Facts and Issues

Counsel for the applicant, by a letter of 31 January 1980 referring to a letter of 21 January 1980, the first addressed to the President of the Court and the second to the Registrar, set out the circumstances in which a Medical Board, set up by the mutual agreement of the administration of the Parliament and of the applicant, in the context of the Rules on the Insurance of Officials of the European Communities against the risk of Accident and of Occupational Disease ceased to function.

It appears that Counsel for the applicant considers that the two letters mentioned above must constitute an application for the adoption of interim measures with a view to the appointment of a Medical Board composed of different members.

The Parliament, in its observations lodged at the Registry on 22 February 1980, contended that the Court should dismiss the application not only on the ground that it is inadmissible but also because it is unfounded.

### Decision

The above-mentioned letters of 21 and 31 January 1980 do not in any way comply with the requirements of substance and form imposed by Article 83 of the Rules of Procedure for the admissibility of an application for the adoption of interim measures intended either to bring about the suspension of operation of a measure or to cause the Court to prescribe interim measures relating to the main action before it.

The applicant has not even indicated whether in consequence of the facts which he has mentioned he has applied to the administrative authorities referred to in Articles 17 to 21 of the Rules on the Insurance of Officials of the European Communities against the risk of Accident and of Occupational Disease for the purpose of adopting the administrative procedure laid down for the implementation of those rules.

Costs

The foregoing considerations lead to the conclusion that in this case there are grounds, not for reserving the costs, but for making an order for costs as provided for in Article 70 of the Rules of Procedure for proceedings commenced by an official.

On those grounds,

THE JUDGE ACTING AS PRESIDENT

hereby orders as follows:

- 1. The application is dismissed.**
- 2. The parties shall bear their own costs.**

Luxembourg, 13 March 1980.

A. Van Houtte

Registrar

J. Mertens de Wilmars

Judge acting as President