

ORDER OF THE COURT OF FIRST INSTANCE (Fourth Chamber)
6 July 2001

Case T-375/00

Danielle Dubigh and Tamara Zaur-Gora
v
Commission of the European Communities

(Officials – Replacement staff – Members of the auxiliary staff – Claim to
classification as a member of the temporary staff of the European Communities
– Action in part lacking in any legal basis and in part inadmissible)

Full text in French II - 733

Application for: annulment of the Commission's decisions of 12 January
2000 rejecting the applicants' requests of 24 September
1999 for regularisation of their administrative situation by
recognising them as members of the temporary staff of the
European Communities.

Held: The application is dismissed. Each party is to bear its own
costs.

Summary

*Officials – Status of member of the temporary staff – Persons employed by a legal person governed by the law of a Member State – Excluded
(Conditions of employment of other servants, Art. 2)*

The status of servant of the Communities cannot be conferred on a person whose employer is not the Commission or another institution of the Communities but a legal person governed by the law of a Member State, which cannot be regarded as an administrative unit of the institution in question.

Consequently, by refusing to confer on persons made available to it by temporary employment agencies the status of member of the temporary staff, an institution does not commit, to the detriment of the persons concerned, an abuse of process or a breach of the principles of sound administration and sound personnel management. Conferment of such status is not possible inasmuch as the persons concerned have been engaged by undertakings governed by private law.

(see paras 21, 23)

See: 87/77, 130/77, 22/83, 9/84 and 10/84 *Salerno and Others v Commission and Council* [1985] ECR 2523, paras 42-47; 286/83 *Alexis and Others v Commission* [1989] ECR 2445, para. 11