

The applicant claims that the Court should:

- annul the definitive staff report for the period from 1 July 1991 to 30 June 1993, dated 6 November 1995, which was notified to the applicant on 9 November 1995,
- award the sum of Bfr 250 000, to be increased or decreased as appropriate during the course of the proceedings, as compensation for the material damage suffered by the applicant in consequence of his having been denied any chance of promotion,
- award the sum of Bfr 75 000, to be increased or decreased as appropriate during the course of the proceedings, as compensation for the non-material damage suffered by the applicant,
- order the Council to pay all of the costs.

Pleas in law and main arguments:

The applicant states that he did not agree with the initial version of his staff report for 1991/1993, and that this prompted him, after he had taken certain internal steps, to bring an action before the Court of First Instance⁽¹⁾. The defendant then drew up a fresh report covering the same period. That definitive report is contested by the applicant in the present case.

The applicant pleads, first, infringement of Article 43 of the Staff Regulations of officials and of the guide to staff reports, which provide for a periodical report to be drawn up at least once every two years; he maintains that the first report was communicated to him over 15 months late, and the second nearly two years late. In consequence of the delay, it was only possible, at meetings of the promotion committee, to assess the applicant on the basis of the report drawn up in relation to him at the expiry of his probationary period. In his view, it may reasonably be concluded that, if the staff report had been drawn up in good time, that would have greatly ameliorated his professional situation.

The applicant also maintains that the procedure followed was irregular, inasmuch as it is apparent from an examination of the two reports that they were signed by the first and second assessors before being signed by the applicant, despite the fact that the guide to staff reports provides for the report to be signed by the second assessor after the official concerned has been given an opportunity of making comments or remarks thereon and, where appropriate, of requesting a discussion or exchange of views with the second assessor.

Lastly, the applicant states that those irregularities have deprived him of any chance of promotion, despite the fact

that such promotion was justified by his qualifications and situation, and that this has undeniably caused him to suffer material and non-material damage.

⁽¹⁾ Case T-161/95 (OJ No C 268, 14. 10. 1995, p. 27).

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Removal from the register of Case T-106/92⁽¹⁾
 (96/C 77/40)

(Language of the case: French)

By order of 25 January 1996 the President of the Second Chamber of the Court of First Instance of the European Communities ordered the removal from the register of Case T-106/92: Erik Dan Frederiksen v. European Parliament.

⁽¹⁾ OJ No C 34, 6. 2. 1993.

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Removal from the register of Case T-197/94⁽¹⁾
 (96/C 77/41)

(Language of the case: German)

By order of 31 January 1996 the President of the Third Chamber (Extended Composition) of the Court of First Instance of the European Communities ordered the removal from the register of Case T-197/94: Schöller Lebensmittel GmbH & Co. KG v. Commission of the European Communities.

⁽¹⁾ OJ No C 188, 9. 7. 1994.

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Removal from the register of Case T-92/95⁽¹⁾
 (96/C 77/42)

(Language of the case: Italian)

By order of 29 January 1996 the President of the Second Chamber of the Court of First Instance of the European Communities ordered the removal from the register of Case T-92/95: Tiziano Boggian v. Commission of the European Communities.

⁽¹⁾ OJ No C 159, 24. 6. 1995.