

Reference for a preliminary ruling by the Landgericht Düsseldorf by order of that court of 8 December 1997 in the case of Salomone Haim against Kassenzahnärztliche Vereinigung Nordrhein

(Case C-424/97)

(98/C 41/33)

Reference has been made to the Court of Justice of the European Communities by order of the Landgericht (Regional Court) Düsseldorf of 8 December 1997, received at the Court Registry on 15 December 1997, for a preliminary ruling in the case of Salomone Haim v. Kassenzahnärztliche Vereinigung Nordrhein on the following questions:

1. If an official of a legally independent public law body of a Member State breaches primary Community law when applying national law in the context of an

individual decision, can the public law body be held liable as well as the Member State?

2. If so: Where a national official has either applied conflicting national law against Community law, or has applied national law in a manner that does not comply with Community law, is there a serious breach of Community law simply on the ground that the official had no discretion in making his decision?
3. Where a national of another Member State has been recognised in the host Member State as having the status of a dental practitioner but does not hold a diploma mentioned in Article 3 of Directive 78/686/EEC ⁽¹⁾, may the competent authorities of the host Member State make the admission of such person to treat patients affiliated to social security schemes conditional upon his having the knowledge of languages which he needs for the exercise of his professional activity in the host State?

⁽¹⁾ OJ L 233, 24.8.1978, p. 1.

COURT OF FIRST INSTANCE

JUDGMENT OF THE COURT OF FIRST INSTANCE

(Third Chamber)

of 16 December 1997

in Case T-19/97: Claude Richter v. Commission of the European Communities ⁽¹⁾

(Officials — Leave on personal grounds — Reinstatement — Place of employment — Duty to have regard to the welfare of officials — Principle of sound administration)

(98/C 41/34)

(Language of the case: French)

In Case T-19/97: Claude Richter, an official of the Commission of the European Communities, residing in Luxembourg, represented by Jean-Noël Louis, Thierry Demaseure and Ariane Tornel, of the Brussels Bar, with an address for service in Luxembourg at Fiduciaire Myson Sàrl, 30 Rue de Cessange, against Commission of the European Communities (Agent: Julian Currall) — application for compensation for the harm which the applicant considered to have suffered as a result of the fact that the Commission did not reinstate him, at the end of his leave on personal grounds, to the first vacant post in his category and grade, in respect of which he was in possession of the requisite abilities — the Court of First Instance (Third Chamber), composed of V. Tiili, President, C. P. Briët and A. Potocki, Judges; H. Jung, Registrar, gave a judgment on 16 December 1997, the operative part of which is as follows:

1. *The application is dismissed.*

2. *Each party shall bear its own costs.*

⁽¹⁾ OJ C 94, 22.3.1997.

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 17 December 1997

in Case T-121/95: European Fertilizer Manufacturers Association (EFMA) v. Council of the European Union ⁽¹⁾

(Anti-dumping duties — Injury — Right to a fair hearing)

(98/C 41/35)

(Language of the case: English)

In Case T-121/95: European Fertilizer Manufacturers Association (EFMA), established in Zurich (Switzerland), represented initially by Dominique Voillemot and Hubert de Broca and subsequently by Dominique Voillemot and Olivier Prost, of the Paris Bar, with an address for service in Luxembourg at the Chambers of Loesch and Wolter, 11 Rue Goethe v. Council of the European Union (Agents: Yves Crétien, Antonio Tanca, assisted by Hans-Jürgen Rabe and Georg M. Berrisch), supported by Commission of the European Communities (Agent: Nicholas Khan) — application for annulment of Article 1 of Council Regulation (EC) No 477/95 of 16 January 1995 amending