

The *pleas in law and main arguments* are the same as in Case C-429/98⁽²⁾; the time-limit prescribed by the directive expired on 22 September 1996.

⁽¹⁾ OJ L 254, 30.9.1994, p. 64.

⁽²⁾ See page 23 of this Official Journal.

Appeal brought on 30 November 1998 by Nicolaos Progoulis against the order made on 21 September 1998 by the First Chamber of the Court of First Instance of the European Communities in Case T-237/97 between Nicolaos Progoulis and the Commission of the European Communities

(Case C-431/98 P)

(1999/C 20/40)

An appeal against the order made on 21 September 1998 by the First Chamber of the Court of First Instance of the European Communities in Case T-237/97 between Nicolaos Progoulis and the Commission of the European Communities was brought before the Court of Justice of the European Communities on 30 November 1998 by Nicolaos Progoulis, represented by Konstantinos Adamantopoulos and Vassilios Akritidis, of the Athens Bar, with an address for service in Luxembourg at the Chambers of Arendt & Medernach, 8-10 Rue Mathias Hardt.

The appellant claims that the Court should:

- (1) set aside in its entirety the order of the Court of First Instance of the European Communities of 21 September 1998 in Case T-237/97, in which the appellant's application was dismissed as inadmissible;
- (2) itself determine the dispute concerning:
 - annulment of the respondent's decision of 13 May 1997 rejecting the appellant's complaint concerning refusal of his application to be regraded in step 2 of grade B 1 with retroactive effect from 1 March 1983 and for the financial consequences of the regrading applied for to be taken into account and calculated retroactively from 1 March 1983, together with compound legal interest at the annual rate of 10 %;
 - the appellant's application for an order requiring the respondent to pay him the amount corresponding to the financial consequences of the regrading applied for, calculated retroactively

from 1 March 1983, together with compound legal interest at the annual rate of 10 %;

- the appellant's application for an order requiring the respondent to pay the costs of the present proceedings, together with the costs of the proceedings before the Court of First Instance of the European Communities in Case T-237/87.

Pleas in law and main arguments adduced in support:

- manifest error of law on the part of the Court of First Instance, in that it wrongly assimilated the present case to Case T-16/97 Chauvin v. Commission: the appellant pleaded, as a material new fact, the revelation in Case T-17/95 Alexopoulou v. Commission that the respondent applied a restrictive policy as regards (re)grading after 1 September 1993, even in respect of officials recruited prior to that date. He at no time claimed that the respondent had refused to apply to him the decision of 1 September 1993, as amended following delivery of the judgment in Alexopoulou, with a view to a subjective examination of his 'exceptional' qualifications, as was the case in Chauvin.
- absence of an adequate statement of reasons.

Appeal brought on 1 December 1998 by the Council of the European Union against the judgment delivered on 30 September 1998 by the Fifth Chamber of the Court of First Instance of the European Communities in Case T-154/96 between Christiane Chvatal and Others and the Court of Justice of the European Communities, supported by the Council of the European Union and the Kingdom of the Netherlands

(Case C-432/98 P)

(1999/C 20/41)

An appeal against the judgment delivered on 30 September 1998 by the Fifth Chamber of the Court of First Instance of the European Communities in Case T-154/96 between Christiane Chvatal and Others and the Court of Justice of the European Communities, supported by the Council of the European Union and the Kingdom of the Netherlands, was brought before the Court of Justice of the European Communities on 1 December 1998 by the Council of the European Union, represented by Jean-Paul Jacqué, Director in its Legal Service, and Diego Canga Fano and Thérèse Blanchet, of its Legal Service, with an address for service in Luxembourg at the Office of Alessandro Morbilli, Director-General of the Legal Affairs Directorate of the European Investment Bank, 100 Boulevard Konrad Adenauer.