

## Harm

1. Loss of income due to cancelled and lost bookings
  - a) Cancelled bookings
  - b) Lost bookings
2. Loss of income by reason of reduction of the price of the services offered
3. Harm resulting from the increased burden on the budget for financing the construction of new ships, by reason of interest due on additional borrowing
4. Lower profits by reason of loss of income in future seasons and of clientele.

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**Action brought on 30 September 1999 by Gitte Rasmussen against Council of the European Union**

**(Case T-221/99)**

(1999/C 366/62)

*(Language of the case: French)*

An action against the Council of the European Union was brought before the Court of First Instance of the European Communities on 30 September 1999 by Gitte Rasmussen, residing in Brussels, represented by Jean-Noël Louis, Greta-Françoise Parmentier and Véronique Peere, of the Brussels Bar, with an address for service in Luxembourg at the offices of Fiduciaire Myson SARL, 30 Rue de Cessange.

The applicant claims that the Court should:

- annul the Council decision declaring that the applicant's absences between 28 September 1998 and 18 March 1999 were unlawful;
- annul the Council's decision to issue the applicant with a written warning by way of disciplinary action;
- order the Council to make a token payment to the applicant of one euro by way of compensation for the non-physical damage suffered;
- order the Council to pay the costs.

*Pleas in law and main arguments*

The applicant contests the finding that her absences were unlawful, submitting that:

- the Council infringed Article 59(3) of the Staff Regulations in refusing to request the Invalidation Committee to determine the validity of the medical certificates submitted by the applicant as evidence that her absences were caused by illness; and
- the Council is in breach of its obligations to give reasons for its decisions and to respect the rights of the defence, in that it has failed to produce any information of a medical nature which would enable the doctor treating the applicant to understand the reasons which have led the medical officers checking the certificates submitted to question their validity.

As regards the disciplinary action, the applicant points out that this was taken following her refusal to undergo periodical medical examinations. She emphasises in this connection that she was acting on the advice of her own doctor who believed that such examinations might have a deleterious effect on her health, a view which, according to the applicant, was recently confirmed by the Invalidation Committee's decision of 23 March 1999 finding her definitively incapable of performing her duties in view of the seriousness of the illness afflicting her. The applicant argues that she is not in breach, therefore, of the Staff Regulations and that, consequently, the decision to take disciplinary action lacks legal foundation and, at the very least, is vitiated by a manifest error of assessment.

Lastly, the applicant maintains that, by requiring her to undergo medical examinations deleterious to her health, the Council acted in dereliction of its duty on a number of counts, thereby incurring liability.

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**Action brought on 5 October 1999 by Jean-Claude Martinez and Charles de Gaulle against the European Parliament**

**(Case T-222/99)**

(1999/C 366/63)

*(Language of the case: French)*

An action against the European Parliament was brought before the Court of First Instance of the European Communities on 5 October 1999 by Jean-Claude Martinez, residing at Montpellier (France), and Charles de Gaulle, residing in Paris, represented by François Wagner, of the Nice Bar, 2 Rue de la Poissonnerie, Nice.