

The applicants claim that the Court should:

- annul the decision of the European Parliament dated 14 September 1999 concerning the interpretation of the Rules of Procedure;
- declare the interpretation of Rule 29(1) of the Rules of Procedure proposed by the Committee on Constitutional Affairs and the Rules of Procedure to be contrary to the Community legal order, the rule of law, the founding principles of the Union and fundamental rights.

Pleas in law and main arguments

The applicants, who are Members of the European Parliament, state that on 19 July 1999 the constitution of the 'Groupe Technique des Députés Indépendants (TDI) — Groupe mixte' was communicated to the President of the Parliament, in accordance with Rule 29 of the Parliament's Rules of Procedure. At the plenary sitting on 20 July all the political groups opposed the creation of that mixed group. The Committee on Constitutional Affairs and the Rules of Procedure was therefore called upon to provide an opinion on the conformity of that new group with Rule 29(1) of the Rules of Procedure. It proposed an interpretation to the effect that it is not possible, within the meaning of that rule, to accept the constitution of a group which openly denies possessing any political character and the existence of any political affinities between its members. On 14 September 1999 the matter was submitted to a vote of the Parliament, which, by a simple majority, adopted the interpretation proposed by the Committee. It is that decision of the Parliament which is contested in the present case.

In support of their action, the applicants advance two pleas in law:

(a) *The discriminatory nature of the contested decision:*

- the contested interpretation necessarily involves unequal treatment, inasmuch as it has the effect of denying the Members concerned the administrative advantages and the benefit of being able to participate in the work of the Parliament which are conferred by membership of a Parliamentary group;
- the contested interpretation diverges from most European legislative systems and parliamentary practices.

(b) *Failure to respect the Community's legal order and the rule of law in the substantive sense of the term:*

- the contested interpretation violates the general principle of legal certainty, in that it is manifestly contrary to the spirit of the Rules of Procedure and fails to observe the principle of the protection of legitimate expectations, which has crystallised around the provision in question over the last twenty years;

- the contested interpretation infringes fundamental rights, by disregarding the right to freedom of association and the principle of equal treatment.

Action brought on 26 October 1999 by Marie-Josée Bollendorff against the European Parliament

(Case T-260/99)

(1999/C 366/64)

(Language of the case: French)

An action against the European Parliament was brought before the Court of First Instance of the European Communities on 26 October 1999 by Marie-Josée Bollendorff, resident in Bertrange, Luxembourg, represented by Laurent Mosar, of the Luxembourg Bar, with an address for service in Luxembourg at his Chambers, 8 Rue Notre-Dame.

The applicant claims that the Court should:

- annul the decision by which the appointing authority held her absence from 9 March 1999 to 12 March 1999 to be unauthorised and deducted 28.50 working hours from her annual leave;
- in the alternative, in so far as is necessary annul the express decision of the European Parliament, notified on 26 July 1999, rejecting her complaint under Article 90(2) of the Staff Regulations;
- order the European Parliament to pay the applicant the sum of LUF 100 000 by way of damages for non-pecuniary harm;
- order the European Parliament to pay the costs.

Pleas in law and main arguments

The applicant disputes that her absences were improper, contending:

- that the second paragraph of Article 25 of the Staff Regulations has been infringed in that the defendant did not notify her of any decision withdrawing days of leave;
- that her right to a fair hearing has been infringed in that she was not asked to explain her conduct, in particular as regards her failure to attend the medical examinations. Nor should the validity of the medical certificate produced by her have been denied without her first undergoing a medical examination;

— that Article 60 of the Staff Regulations has been erroneously applied in that the aim of that provision is to penalize the production of medical certificates issued purely to oblige the patient and not the infringement of a duty of good faith. Since the defendant alleged that the applicant had infringed a duty of good faith, it was required to found its decision solely on Article 86 of the Staff Regulations instead of on Article 60.

The applicant submits finally that, by failing to comply with the Staff Regulations and refusing to assist her in proceedings against the medical officer, the defendant has infringed Article 24 of those Regulations so as to give rise to liability on its part.

Partial removal from the register in Joined Cases T-85/93 and Others⁽¹⁾

(1999/C 366/65)

(Language of the case: German)

By order of 29 September 1999 the President of the Fourth Chamber, Extended Composition, of the Court of First Instance of the European Communities has ordered the removal of Cases T-85/93, T-87/93, T-126/93, T-130/93, T-35/94, T-40/94, T-198/94, T-212/94, T-227/94, T-236/94, T-237/94, T-238/94, T-278/94, T-279/94, T-281/94, T-283/94, T-284/94, T-349/94, T-350/94, T-357/94 and T-360/94 from the list of Joined Cases T-85/93 and Others: Helmut Bösl and Others v Council of the European Union and Commission of the European Communities.

⁽¹⁾ OJ Nos C 178 of 18.7.1990, C 34 of 9.2.1991, C 90 of 26.3.1994, C 218 of 6.8.1994, C 304 of 29.10.1994 and C 370 of 24.12.1994.

Partial removal from the register in Joined Cases T-85/93 and Others⁽¹⁾

(1999/C 366/66)

(Language of the case: German)

By order of 29 September 1999 the President of the Fourth Chamber, Extended Composition, of the Court of First Instance of the European Communities has ordered the removal of the names of the applicants Peter Dalhaus, Klaus Buck, Karl-Heinz Rohler and Ludger Beckhoff from the list of applicants in Case T-247/94 - Joined Cases T-85/93 and Others: Helmut Bösl and Others v Council of the European Union and Commission of the European Communities.

⁽¹⁾ OJ No C 233 of 20.8.1994.

Partial removal from the register in Joined Cases T-320/94 and Others⁽¹⁾

(1999/C 366/67)

(Language of the case: German)

By order of 29 September 1999 the President of the Fourth Chamber of the Court of First Instance of the European Communities has ordered the removal of Cases T-320/94, T-323/94, T-324/94, T-332/94, T-333/94, T-344/94, T-345/94 and T-351/94 from the list of Joined Cases T-320/94 and Others: Klaus Harings and Others v Council of the European Union and Commission of the European Communities.

⁽¹⁾ OJ No C 351 of 10.12.1994.

Removal from the register of Joined Cases T-363/94 and Others⁽¹⁾

(1999/C 366/68)

(Language of the case: German)

By order of 29 September 1999 the President of the Fourth Chamber of the Court of First Instance of the European Communities has ordered the removal from the register of Joined Cases T-363/94 and Others: Benno and Hans Georg Theunissen and Others v Council of the European Union and Commission of the European Communities.

⁽¹⁾ OJ No C 370 of 24.12.1994, C 400 of 31.12.1994, C 54 of 4.3.1995, C 74 of 25.3.1995 and C 119 of 13.5.1995.

Partial removal from the register in Joined Cases T-366/94 and Others⁽¹⁾

(1999/C 366/69)

(Language of the cases: German)

By order of 29 September 1999, the President of the Fourth Chamber of the Court of First Instance of the European Communities has ordered the removal of Cases T-366/94, T-3/95, T-14/95, T-120/95 and T-124/95 from the list of cases in Joined Cases T-366/94 and Others: Hilde Diekmeier and Others v Council of the European Union and Commission of the European Communities.

⁽¹⁾ OJ No C 370 of 24.12.1994, No C 54 of 4.3.1995, No C 74 of 25.3.1995, No C 174 of 8.7.1995 and No C 208 of 12.8.1995.