

The applicant states that the defendant is proceeding on the basis of incorrect facts when it assumes that the applicant's contract with Consultban was extended by seven years after Regulation No 2362/98 entered into force.

(<sup>1</sup>) OJ L 47 of 25.2.1993, p. 1.

(<sup>2</sup>) OJ L 293 of 31.10.1998, p. 33.

**Action brought on 30 September 1999 by Joachim Behmer against the European Parliament**

(Case T-220/99)

(2000/C 6/46)

(Language of the case: French)

An action against the European Parliament was brought before the Court of First Instance of the European Communities on 30 September 1999 by Joachim Behmer, residing in Luxembourg, 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 European Parliament's decision rejecting the application by the applicant for the grade LA 3 post of Deputy Head of the German language Translation Division;
- annul the European Parliament's decision appointing another person to that post;
- order the Parliament to pay the costs.

*Pleas in law and main arguments*

The applicant, a Grade LA 4 official, contests the appointing authority's refusal to appoint him to the post of Deputy Head of the German language Translation Division (career bracket: LA 3).

In support of his claims, he pleads infringement of:

- Articles 7, 29 and 45 of the Staff Regulations;
- the principle of equal treatment;
- the principle of career progression.

The applicant also pleads a manifest error of assessment in the present case, as well as failure by the defendant to comply with its obligation to provide a statement of reasons.

**Action brought on 6 October 1999 by Luc Dejaiffe against the Office for Harmonisation in the Internal Market**

(Case T-223/99)

(2000/C 6/47)

(Language of the case: French)

An action against the Office for Harmonisation in the Internal Market was brought before the Court of First Instance of the European Communities on 6 October 1999 by Luc Dejaiffe, residing at Nivelles (Belgium), represented by Georges Vander-sanden, of the Brussels Bar, with an address for service in Luxembourg at the offices of Société de Gestion Fiduciaire SARL, 2-4 Rue Beck.

The applicant claims that the Court should:

- annul the decision taken by the appointing authority of the Office on 21 December 1998 unilaterally terminating the applicant's employment contract;
- award the applicant, by way of compensation for the material and non-material damage suffered by him, a sum, to be assessed on an equitable basis, amounting to EUR 10 000 and a sum equivalent to the prejudice caused to his career and to the diminution in his pension rights and allowances;
- order the defendant to pay all the costs.

*Pleas in law and main arguments*

The applicant contests the decision taken on 21 December 1998 by the President of the defendant organisation providing for the early termination of the applicant's contract of employment, pursuant to Article 5(b) of that contract and the provisions of Article 47(1)(b) of the Conditions of employment of other servants ('the Conditions'), with effect from 15 February 1999.

According to the applicant's account of the facts, that termination constituted the appointing authority's response to the way in which, at a meeting of a working group, he had hotly contested the premature introduction of a software system, pointing out certain technical deficiencies which would, in his view, have an adverse effect on the proper execution of financial transactions and proposing technical steps to mitigate those deficiencies.

In support of his claim, the applicant pleads infringement of Article 26 of the Staff Regulations and of the right to a fair hearing, the commission in the present case of a manifest error of assessment, the unlawful nature of his dismissal, violation of the right to freedom of expression and of the principle of proportionality, and failure to observe the rules governing disciplinary proceedings (infringement of Article 50a of the Conditions).