

**JUDGMENT OF THE COURT OF FIRST INSTANCE****of 16 June 2000****in Case T-84/98: C v Council of the European Union<sup>(1)</sup>****(Officials — Action for annulment — Invalidation Committee — Retirement — Breach of essential procedural requirements — Misuse of powers — Non-material damage)**

(2000/C 233/51)

*(Language of the case: English)*

In Case T-84/98: C, former official of the Council of the European Union, residing in Dublin (Ireland), represented by Séamus O Tuathail, Barrister of the Bar of Ireland, with an address for service in Luxembourg c/o Michael O'Toole, Irish Embassy, 28 Route d'Arlon v Council of the European Union, represented by Colin Robertson and Thérèse Blanchet, Legal Advisers, acting as Agents, with an address for service in Luxembourg at the office of Alessandro Morbilli, General Counsel of the Legal Affairs Directorate in the European Investment Bank, 100 Boulevard Konrad Adenauer — application first, for annulment of Council Decision No 677/97 of 11 July 1997 retiring the applicant on grounds of total permanent invalidity and for an order requiring the Council to pay compensation for the material and non-material damage suffered — the Court (First Chamber), composed of: B. Vestendorff, President, M. Vilaras and N. Forwood, Judges; H. Jung, Registrar, has given a judgment on 16 June 2000, in which it:

1. Annuls Council Decision No 677/97 of 11 July 1997 by which it retired the applicant on its own initiative on grounds of total permanent invalidity;
2. Orders the Council to pay the applicant the difference between the salary which she received before her retirement and that granted to her on the basis of the contested decision, and any other amount which the applicant received before her retirement, together with interest at an annual rate of 5,5 %;
3. Orders the Council to pay the applicant the sum of BEF 2 000 000 as compensation for the non-material damage caused to her, together with interest at an annual rate of 5,5 % until the date of payment;
4. Dismisses the remainder of the action;
5. Orders the Council to pay the costs.

<sup>(1)</sup> OJ C 278 of 5.9.1998.

**ORDER OF THE COURT OF FIRST INSTANCE****of 22 May 2000****in Case T-96/99: Pieter F. Fleurbaay v European Investment Bank<sup>(1)</sup>****(European Investment Bank (EIB) — Actions by members of staff — Measure capable of being contested — Manifest inadmissibility)**

(2000/C 233/52)

*(Language of the case: French)*

In Case T-96/99: Pieter F. Fleurbaay, a former member of the staff of the European Investment Bank, residing at Waldbredimus (Luxembourg), represented by E. Boigelot, of the Brussels Bar, with an address for service in Luxembourg at the Chambers of L. Schiltz, 2 Rue du Fort Rheinsheim, v European Investment Bank (Agent: L. La Marca) — application for annulment of the decision taken by the European Investment Bank, in the form of a letter from its President dated 18 February 1999 — the Court (Fourth Chamber), composed of: V. Tiili, President, and R.M. Moura Ramos and P. Mengozzi, Judges; H. Jung, Registrar, made an order on 22 May 2000, the operative part of which is as follows:

1. *The application is dismissed as manifestly inadmissible;*
2. *The parties are to bear their own costs;*
3. *The Kingdom of the Netherlands is to bear its own costs.*

<sup>(1)</sup> OJ C 226 of 7.8.1999.

**ORDER OF THE COURT OF FIRST INSTANCE****of 22 May 2000****in Case T-103/99: Associazione delle Cantine Sociali Venete v European Ombudsman and European Parliament<sup>(1)</sup>****(Actions for failure to act — Ombudsman — Inadmissibility)**

(2000/C 233/53)

*(Language of the case: Italian)*

In Case T-103/99: Associazione delle Cantine Sociali Venete, established in Padua (Italy), represented by I. Cacciavillani, of the Venice Bar, and A. Cimino, of the Padua Bar, with an

address for service in Luxembourg at the Chambers of A. Lorang, 51 Rue Albert I, v European Ombudsman (Agent: G. Grill) and European Parliament (Agents: H. Krück and A. Caiola) — application for a declaration that the Ombudsman and, as the case may be, the Parliament unlawfully failed to make a finding of maladministration on the part of the Commission — the Court of First Instance (First Chamber), composed of: B. Vesterdorf, President, and M. Vilaras and N. Forwood, Judges; H. Jung, Registrar, made an order on 22 May 2000, the operative part of which is as follows:

1. *The action is dismissed as inadmissible;*
2. *The parties are to bear their own costs.*

(<sup>1</sup>) OJ C 204 of 17.7.1999.

#### ORDER OF THE PRESIDENT OF THE COURT OF FIRST INSTANCE

of 24 May 2000

in Case T-72/00 R: **Steffen Skovmand v Commission of the European Communities**

*(Proceedings for interim relief — Officials — Reassignment decision — Prima facie case — Urgency — None)*

(2000/C 233/54)

*(Language of the case: French)*

In Case T-72/00 R: Steffen Skovmand, an official of the Commission of the European Communities, residing in Bucharest (Romania), represented by G. Vandersanden, of the Brussels Bar, with an address for service in Luxembourg at the offices of Société de Gestion Fiduciaire, 2-4 Rue Beck, v Commission of the European Communities (Agents: G. Valsesia and F. Clotuche-Duvieusart) — application, first, and by way of interim measures, for access to the file of the steering committee of the Commission's External Service or, at the very least, for production by the Commission of all reports and other documents concerning the applicant and, second, for suspension of operation of the decision of that committee of 28 January 2000 reassigning the applicant to the Directorate-General for the Internal Market in Brussels — the President of the Court of First Instance made an order on 24 May 2000, the operative part of which is as follows:

1. *The application for interim measures is dismissed.*
2. *The costs are reserved.*

#### Action brought on 23 May 2000 by Erpo Möbelwerk GmbH against the Office for Harmonization in the Internal Market (Trade Marks and Designs)

(Case T-138/00)

(2000/C 233/55)

*(Language of the case: German)*

An action against the Office for Harmonization in the Internal Market (Trade Marks and Designs) was brought before the Court of First Instance of the European Communities on 25 May 2000 by Erpo Möbelwerk GmbH, Ertingen, Federal Republic of Germany, represented by Stephan v. Petersdorff-Campen, Rechtsanwälte von Rospatt, von der Osten, Pross, Düsseldorf.

The applicant claims that the Court should:

- annul decision R 392/1999-3 of the Third Board of Appeal of the Office for Harmonization in the Internal Market of 23 March 2000 in so far as it dismisses the appeal;
- order the defendant to pay the costs.

*Pleas in law and main arguments*

Trade mark:	Word mark 'DAS PRINZIP DER BEQUEMLICHKEIT' — application no. 806620
Goods or services:	Goods in classes 12 and 20 ( <i>inter alia</i> vehicles and furniture)
Decision contested before the Board of Appeal:	Refusal to register by the Examiner
Pleas in law relied on:	— Misapplication of Regulation No 40/94 — Misapplication of Article 7(1)(c) of Regulation No 40/94