

In support of his claims, the applicant pleads:

- Infringement of Article 25 of the Staff Regulations:  
The contested decision, which takes the form of a 'file note', is vitiated by the total absence of any statement of reasons;
- Infringement of Article 7 EC and failure to have regard to the principle of conferred powers:  
The Commission had itself found fault with the applicant's civil status, instead of acting in conformity with the rights of the Member States, which have sole legislative competence in matters of personal status;
- Infringement of the principle of the integrity of personal status:  
By the contested decision, the Commission deprives the applicant of any possibility of asserting his rights arising from his personal status;
- Violation of the principles of non-discrimination and of freedom of movement for workers:  
The applicant pleads discrimination based on sex and sexual orientation, contrary to Article 141 EC, infringement of Article 1(2) of Annex VII to the Staff Regulations and discrimination on grounds of nationality;
- Infringement of the right to privacy:  
The contested decision constitutes unauthorised interference with the exercise of the right to the protection of privacy and family life.

---

**Action brought on 23 June 2000 by Peter Spruyt against the Commission of the European Communities**

**(Case T-171/00)**

(2000/C 247/64)

*(Language of the case: French)*

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 23 June 2000 by Peter Spruyt,

residing at Arolo di Leggiuno (Italy), represented by Eric Boigelot, of the Brussels Bar.

The applicant claims that the Court should:

- annul the decision headed 'Article 73 of the Staff Regulations', taken on 13 September 1999 by the Head of the Unit responsible for insurance against accidents and occupational diseases within DG IX — Personnel and Administration, acting as the appointing authority, by which the applicant was informed of the appointing authority's refusal to apply Article 73 of the Staff Regulations and to reimburse his medical expenses, on the ground that the matter involved an accident arising from the practice of a sport regarded as dangerous within the meaning of the third indent in Article 4(1)(e) of the Rules on the insurance of officials of the European Communities against the risk of accident and of occupational disease;
- annul the implicit decision rejecting the applicant's complaint seeking annulment of the above-mentioned contested decision;
- order the defendant to reimburse to the applicant all the medical expenses connected with the hang-gliding accident sustained by him on 9 May 1999, together with default interest at the annual rate of 8 % from the date of the accident to the date of actual reimbursement;
- rule that it is for the defendant to bear the cost of paying the benefits referable to total and partial temporary incapacity and partial permanent incapacity, in accordance with the rates and criteria to be determined by an expert or agreed between the parties;
- order the defendant to pay the costs in any event.

*Pleas in law and main arguments*

The applicant pleads infringement of Articles 72 and 73 of the Staff Regulations and of the second indent in Article 4(1)(b) of the rules referred to above, as well as violation of the principles of the protection of legitimate expectations and of equal treatment.

He maintains in that regard that the contested decision is manifestly based on an incorrect interpretation of the second indent in Article 4(1)(b) of the rules, in that, because hang-gliding is not expressly referred to in the list of sports expressly mentioned in that provision, the defendant was not entitled to regard it as a ground for excluding the social cover defined in Article 73 of the Staff Regulations without producing evidence to show either that it is assimilable to the practice of one of the sports mentioned or that it is regarded as dangerous, which it has not done.

---