

COURT OF FIRST INSTANCE

Designation of Presidents of Chambers and assignment of Judges to Chambers

(2003/C 184/74)

At its meeting on 2 July 2003, the Court of First Instance decided, pursuant to Articles 10 and 15 of the Rules of Procedure of the Court of First Instance and to the transitional provision laid down in Article 2 of the amendment to its Rules of Procedure adopted on 21 May 2003, for the period between 1 October 2003 and 31 August 2004:

a. to designate as Presidents of Chamber:

- Judge Pirrung
- Judge Azizi
- Judge Legal
- Judge Lindh

b. to assign the Members of the Court of First Instance to the Chambers as follows:

to the First Chamber:

Mr Vesterdorf (President), Mr Mengozzi and Ms Martins Ribeiro, Judges;

to the First Chamber, Extended Composition:

Mr Vesterdorf (President), Mr Lenaerts, Mr Jaeger, Mr Mengozzi and Ms Martins Ribeiro, Judges;

to the Second Chamber:

Mr Pirrung, (President of Chamber), Mr Meij and Mr Forwood, Judges;

to the Second Chamber, Extended Composition:

Mr Pirrung, (President of Chamber), Ms Tiili, Mr Meij, Mr Vilaras and Mr Forwood, Judges;

to the Third Chamber:

Mr Azizi, (President of Chamber), Mr Lenaerts and Mr Jaeger, Judges;

to the Third Chamber, Extended Composition:

Mr Azizi, (President of Chamber), Mr García-Valdecasas, Mr Lenaerts, Mr Cooke and Mr Jaeger, Judges;

to the Fourth Chamber:

Mr Legal, (President of Chamber), Ms Tiili and Mr Vilaras, Judges;

to the Fourth Chamber, Extended Composition:

Mr Legal, (President of Chamber), Ms Tiili, Mr Meij, Mr Vilaras and Mr Forwood, Judges;

to the Fifth Chamber:

Ms Lindh, (President of Chamber), Mr García-Valdecasas and Mr Cooke, Judges;

to the Fifth Chamber, Extended Composition:

Ms Lindh, (President of Chamber), Mr García-Valdecasas, Mr Cooke, Mr Mengozzi et Ms Martins Ribeiro, Judges.

Where the Judge-Rapporteur is assigned to another Chamber of three judges as a result of the amendment of the composition of the Chambers, shall be reassigned, with effect from 1 October 2003, to the Chamber to which the Judge Rapporteur belongs after that date.

For cases in which the written procedure was completed and a hearing in the oral procedure was held or fixed before 1 October 2003, the Chamber shall continue to sit with the same composition as before for the oral procedure, the deliberation and the judgment.

Composition of the Grand Chamber

At its full meeting on 2 July 2003 the Court of First Instance decided, in accordance with Article 10(1) of its Rules of Procedure as amended on 21 May 2003, that:

- for the period 1 August to 30 September 2003 the Grand Chamber should be composed of President Vesterdorf, Judges García-Valdecasas, Lenaerts, Tiili and Forwood, Presidents of Chambers, the four Judges of the Extended Composition Chamber who would have had to hear the case in question if it had been assigned to a Chamber composed of five Judges and of two other Judges nominated by the President of the Court of First Instance in turn from among the Judges of the other Chamber in order of their seniority in office under Article 6 of the Rules of Procedure;
- for the period 1 October 2003 to 31 August 2004, the Grand Chamber shall be composed of President Vesterdorf, Judges Lindh, Azizi, Pirrung and Legal, Presidents of Chambers, the four Judges of the Extended Composition Chamber who would have had to hear the case in question if it had been assigned to a Chamber composed of five Judges and of two other Judges nominated by the President of the Court of First Instance in turn from among the Judges of the other Chamber in order of their seniority in office under Article 6 of the Rules of Procedure;

With regard to cases in which the written procedure was completed and a hearing for the oral procedure held or fixed before the Grand Chamber before 1 October 2003, the Grand Chamber shall continue to sit in its previous composition for the oral procedure, the deliberations and the judgment.

Plenary session

At its meeting on 2 July 2003, the Court of First Instance decided pursuant to the second sub-paragraph of Article 32(1) of the Rules of Procedure of the Court of First Instance that where, following the designation of an Advocate General pursuant to Article 17 of the Rules of Procedure, there is an even number of Judges in the Court of First Instance sitting in plenary session, the rota established in advance in accordance with which the President of the Court is to designate the Judge who will not take part in the judgment of the case shall be in reverse order to that in which the Judges rank according to their seniority in office under Article 6 of the Rules of Procedure unless the Judge who would thus be designated is the Judge-Rapporteur. In that event, it shall be the judge ranking immediately above him who shall be designated.

Designation of the Judge replacing the President of the Court of First Instance as the Judge hearing an application for interim measures

At its meeting on 2 July 2003, the Court of First Instance decided in accordance with Article 106 of its Rules of Procedure, as amended on 21 May 2003, that where the President is absent or prevented from sitting to hear an application for interim measures, to designate to replace him:

- for the period 1 August to 30 September 2003, Judge García-Valdecasas, or if he is absent or prevented from sitting, Judge Lenaerts, Judge Tiili or Judge Forwood, in that order;
- for the period 1 October 2003 to 31 August 2004, Judge García-Valdecasas, or if he is absent or prevented from sitting, Judge Lenaerts.

Criteria for assigning cases to the Chambers

At its meeting on 2 July 2003, the Court of First Instance established the following criteria for the assignment of cases to the Chambers for the period between 1 October 2003 and 31 August 2004 pursuant to Article 12 of the Rules of Procedure:

1. Cases shall be assigned, with effect from the lodging of the application and without prejudice to any subsequent application of Articles 14 and 51 of the Rules of Procedure, to Chambers of three Judges...
2. Cases shall be allocated to the Chambers in turn, following four different orders depending on the date on which the cases were registered at the Registry:
 - for cases concerning implementation of the rules on competition applicable to undertakings, of the rules on State aid and the rules on measures to protect trade;
 - for the cases referred to in Article 236 of the EC Treaty and Article 152 of the EAEC Treaty;
 - for the cases concerning intellectual property rights referred to in Article 130(1) of the Rules of Procedure;
 - for all other cases.

In connection with those various orders, the First Chamber, presided over by the President of the Court of First Instance, shall not be taken into consideration at each third turn.

The President of the Court of First Instance may derogate from that order on the ground that cases are related or with a view to ensuring an even spread of the workload.

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 4 June 2003

in Joined Cases T-124/01 and T-320/01 Pietro Del Vaglio v Commission of the European Communities ⁽¹⁾

(Officials — Weighting — Pension — Definition of residence — Burden of proof — United Kingdom)

(2003/C 184/75)

(Language of the case: French)

In Joined Cases T-124/01 and T-320/01: Pietro Del Vaglio, a former official of the Commission of the European Communities, residing in London, represented by G. Vandersanden and L. Levi, lawyers, against the Commission of the European Communities (Agent: J. Currall) — application for the annulment of the Commission's decisions of 5 April 2000 and 6 September 2001 refusing to apply the United Kingdom weighting to the applicant's pension from, respectively, 8 May 1999 and 24 September 2000, and for damages and default interest on the remainder of the pension owed, the Court of First Instance (single judge: V. Tiili); Registrar: J. Palacio González, Principal Administrator, gave a judgment on 4 June 2003, in which it:

1. *dismisses the application in Case T-124/01;*
2. *annuls the Commission's decision of 6 September 2001 in so far as the Commission refused to apply the United Kingdom weighting to the applicant's pension from 1 January 2001;*
3. *dismisses the remainder of the application in Case T-320/01;*