

Action brought on 20 May 2003 by Franco Cozzani against Commission of the European Communities

(Case T-174/03)

(2003/C 184/91)

(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 20 May 2003 by Franco Cozzani, residing in Brussels, represented by Éric Boigelot, lawyer.

The applicant claims that the Court should:

- annul the decision of 14 August 2002 of the authority empowered to conclude contracts of employment not to include the applicant's name on the list of officials and members of the temporary staff remunerated under research credits eligible for promotion/regrading in 2002, which was published in the Administrative Notices of 14 August 2002 (IA 70-2002);
- in so far as necessary, annul the decision of 16 August 2002 of the authority empowered to conclude contracts of employment of 16 August 2002 to promote or regrade to A4 officials and members of the temporary staff remunerated under research credits appearing in the list published in Administrative Notices of 14 August 2002 (IA 71-2002);
- annul the implied rejection of the applicant's complaint, which was submitted in accordance with Article 90(2) of the Staff Regulations on 11 November 2002, entered in the register that day under No R/573/02, seeking the annulment of the contested decision;
- in consequence of those annulments, add the applicant's name to the list of eligible officials and regrade him to Grade A4 in the 2002 promotions procedure;
- order the defendant to pay him EUR 15 000 in damages for non-material damage and for having damaged his career;
- order the defendant to pay the costs, in accordance with Article 87(2) of the Rules of Procedure of the Court of First Instance.

Pleas in law and main arguments

In support of his application, the applicant alleges infringement of the second paragraph of Article 25 of the Staff Regulations consisting in an alleged failure to provide reasons for the decision not to promote him, infringement of Articles 10 and 15 of the Conditions of Employment of Other Servants of the

European Communities, manifest error of assessment and an alleged breach of the principle of equal treatment, the principle that officials should have reasonable career prospects, the principle that legitimate expectations should be protected and of the duty to have regard for the welfare of officials.

Action brought on 21 May 2003 by Norbert Schmitt against European Agency for Reconstruction

(Case T-175/03)

(2003/C 184/92)

(Language of the case: French)

An action against European Agency for Reconstruction was brought before the Court of First Instance of the European Communities on 21 May 2003 by Norbert Schmitt, residing in Köllerbach (Germany), represented by Lothar Polanz, lawyer.

The applicant claims that the Court should:

- annul the dismissal of 25 February 2003 by the Director of the European Agency for Reconstruction;
- in the alternative
- order the defendant to pay damages to the applicant equivalent to two years' salary to compensate him for the financial loss resulting from having lost his job;
- order the European Agency for Reconstruction to pay the entire costs.

Pleas in law and main arguments

The applicant in these proceedings challenges the termination by the defendant of the contract for an indefinite term between them.

In support of his claims, he alleges that the manner in which he was dismissed is contrary to the general principles governing the European civil service and, in particular the general principles of legality legitimate expectations, sound administration and proportionality. The applicant also refers to the fact that the administrative authority did not call him to interview prior to the dismissal.

The applicant also alleges failure to provide a statement of reasons.