

Action brought on 16 December 2003 by A against the Court of Justice of the European Communities

(Case T-404/03)

(2004/C 47/60)

(Language of the case: French)

An action against the Court of Justice of the European Communities was brought before the Court of First Instance of the European Communities on 16 December 2003 by A, represented by Clara Marhuenda, lawyer, with an address for service in Luxembourg.

The applicant claims that the Court should:

- annul the two decisions adopted by the defendant, in its capacity as appointing authority, on 10 April 2003 and 6 June 2003 and, in so far as necessary, the decision of the defendant's complaints committee of 16 September 2003 rejecting the applicant's complaint;
- order the defendant to pay to the applicant EUR 1 as token damages for the non-material damage suffered;
- order the defendant to pay the costs.

Pleas in law and main arguments

Following several absences of the applicant, an official of the Court of Justice, on sick leave, the defendant, in its capacity as appointing authority, referred the matter to an invalidity committee in order to determine whether the official could be granted retirement on grounds of invalidity.

The committee met on 9 April 2003 and decided that the official was fit to return to duties, but proposed that the official be granted half-time working hours on medical grounds. By letter of 10 April 2003, the Court of Justice called on the applicant to return to work and granted authorisation for half-time working until 6 June 2003 inclusive. By decision of 6 June 2003, the half-time working hours on medical grounds was extended by 5 weeks and the applicant was requested to return to work full-time on 14 July 2003.

By the present application, the applicant contests those two decisions, claiming that the opinion of the medical committee on which they are based is vitiated by a defective statement of reasons. The applicant further claims that at least two members of the committee did not have available all the information necessary in order to make a decision in full knowledge of the case.

Action brought on 15 December 2003 by Nicolas Ravailhe against Committee of the Regions of the European Union

(Case T-406/03)

(2004/C 47/61)

(Language of the case: French)

An action against the Committee of the Regions of the European Union was brought before the Court of First Instance of the European Communities on 15 December 2003 by Nicolas Ravailhe, residing in Amiens (France), represented by Jean Philippe Brodsky, lawyer.

The applicant claims that the Court should:

- order the defendant to reinstate the applicant in his post and restore his rights under the Staff Regulations as a member of the temporary staff of the Committee of the Regions with effect from 1 March 2003, taking account of his salary and allowances as a member of the temporary staff (March 2003-April 2003), subsequently as unemployed (May 2003-October 2003) and of any other income received until he is actually reinstated;
- In the alternative, order the defendant to pay to the applicant compensation in accordance with Article 47 of the Conditions of Employment of Other Servants of the European Communities, namely three months' salary and allowances as a member of the temporary staff in Grade A 7, step 3, together with default interest with effect from 15 June 2003;
- order the defendant to pay to the applicant damages of EUR 15 000 by way of compensation for the non-material damage suffered;
- order the defendant to pay the costs.

Pleas in law and main arguments

In support of his application, the applicant alleges infringement of Articles 2(b) and 8 of the Conditions of Employment of Other Servants of the European Communities and, in the alternative, failure to observe the period of notice laid down in Articles 47 and 74 of those Conditions. Furthermore, he alleges breach of the duty to have regard for the welfare of officials and the principles of legitimate expectations, sound administration and the interests of the service.