

In support of his application, the applicant alleges:

- infringement of the general provisions implementing Article 43 of the Staff Regulations and breach of the principles of non-discrimination and sound administration;
- infringement of the 1974 Framework Agreement signed by Action & Défense, of which the applicant was the secretary general during the reference period, and of Article 24a of the Staff Regulations, and interference with the freedom of association;
- infringement of the agreement protocol signed on 18 May 1998 by the Commission and the unions;
- disregard of the principle prohibiting arbitrary action and requiring reasons to be provided for decisions, and misuse of powers;
- breach of the principle that legitimate expectations are to be protected;
- failure to fulfil the duty to have regard for the welfare of officials.

**Action brought on 5 March 2004 by Michael Cwik against the Commission of the European Communities**

**(Case T-96/04)**

(2004/C 106/160)

*(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 5 March 2004 by Michael Cwik, residing at Tervuren (Belgium), represented by Nicolas Lhoëst, avocat, with an address for service in Luxembourg.

The applicant claims that the Court of First Instance should:

- annul the decision of the Director General of DG ECFIN of 24 April 2003 confirming without amendment the applicant's career development report for the period from 1 July 2001 to 31 December 2002;
- annul, so far as is necessary, the Commission's decision of 19 November 2003 rejecting the applicant's complaint (R/383/03);
- order the defendant to pay symbolic damages of one euro;
- order the defendant to pay all the costs.

*Pleas in law and main arguments*

In support of his action the applicant claims that the new system of assessing officials is unlawful, for it provides for a limited number of merit points per division which forces the assessor to set off good assessments against less good. That entails discrimination between officials depending on the quota of points available in their division. The applicant also alleges a manifest error of assessment and claims that the development report he challenges amounts to psychological harassment of him.

**Action brought on 12 March 2004 by Laura Gnemmi and Eugénia Aguiar against the Commission of the European Communities**

**(Case T-97/04)**

(2004/C 106/161)

*(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 12 March 2004 by Laura Gnemmi, residing in Hünnsdorf (Luxembourg), and Eugénia Aguiar, residing in Brussels, represented by Gilles Bounéou and Frédéric Frabetti, avocats, with an address for service in Luxembourg.

The applicants claim that the Court should:

- annul the 2001-2002 reports in so far as the applicants are concerned;
- in the alternative, annul the applicants' career development reports (REC/CDR) for the period from 1 July 2001 to 31 December 2002;
- rule on costs, expenses and fees and order the Commission of the European Communities to pay same.

*Pleas in law and main arguments:*

In the present case, the pleas in law and main arguments invoked by the applicants are identical to those invoked by the applicants in Cases T-43/04 and T-47/04.