

**Action brought on 1 April 2004 by Jamal Ouariachi  
against the Commission of the European Communities**

(Case T-124/04)

(2004/C 118/105)

(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 1 April 2004 by Jamal Ouariachi, resident in Rabat (Morocco), represented by France Blanmailand, avocat.

The applicant claims that the Court should:

- Order the defendant to pay the applicant a total lump sum indemnity of EUR 150 000 by way of compensation for the non-material damage suffered by him;
- Order the defendant to pay the costs.

*Pleas in law and main arguments:*

The applicant holds Moroccan and Spanish citizenships and resides in Morocco. By the present action he seeks compensation for the non-material loss he alleges he has suffered because his ex-wife has left Morocco with their two children, thereby depriving him of his visitation rights with his children. The applicant's ex-wife allegedly went to Sudan to join a Commission official who provided her with an invitation from the European Union delegation in Sudan in order to enable her to obtain a visa.

The applicant also alleges that the agent in question signed his children's school reports on several occasions, thereby wrongfully assuming the applicant's identity.

**Action brought on 28 March 2004 by Patrick Rousseaux  
against the Commission of the European Communities**

(Case T-125/04)

(2004/C 118/106)

(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 28 March 2004 by Patrick Rousseaux, resident in Brussels, represented by Nicolas Lhoëst, lawyer, with an address for service in Luxembourg.

The applicant claims that the Court of First Instance should:

- annul the decision of the appointing authority of 14 April 2003 inasmuch as it:
  - did not classify the applicant in Grade A6, step 3, at the time of his recruitment;
  - did not reconstitute the career in terms of the applicant's grade by bringing forward the date of his promotions to Grades A5 and A4;
  - limited the date of effect of the reclassification decision in regard to its pecuniary effects to 5 October 1995;
- annul the decision of the appointing authority of 11 December 2003, served on the applicant on 19 December 2003, rejecting his complaint R/474/03;
- order the defendant to pay compensation provisionally set in the amount of EUR 125 000 per annum in the event that, owing to impossibility, it is unable to reconstitute the applicant's career in terms of his grade;
- order the defendant to pay all the costs.

*Pleas and main arguments*

The applicant in these proceedings who, on his recruitment in October 1986, was classified in Grade A7, step 3, challenges the decision of the appointing authority classifying him, on revision, in Grade A6, step 2, and not in Grade A6, step 3, refusing to reconstitute his career and limiting the date of effect of the decision on his reclassification to 5 October 1995.

The pleas raised are identical to those in Case T-125/04 Rousseaux v Commission

In support of his claims he asserts:

- on seniority in terms of step as at the date of recruitment, infringement of the Commission Decision of 6 June 1973 and 1 September 1983 on the criteria applicable to the appointment to grade and step classification on recruitment, infringement of Article 4(3) of the Staff Regulations and the principles of equal treatment, as well as breach of the duty to provide a statement of reasons;
- in regard to the refusal to reconstitute the applicant's career, infringement of Article 5(3) and 45 of the Staff Regulations;
- infringement of Article 62 of the Staff Regulations in regard to limitation of the pecuniary effects of the decision concerning his classification.