

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 8 July 2004

in Case T-198/01: Technische Glaswerke Ilmenau GmbH v Commission of the European Communities ⁽¹⁾

(State aid — Action for annulment — Private creditor test — Aid for rescuing and restructuring firms in difficulty — Rights of the defence — Statement of reasons)

(2004/C 239/30)

(Language of the case: German)

In Case T-198/01: Technische Glaswerke Ilmenau GmbH, established in Ilmenau (Germany), represented initially by S. Gerrit and C. Arhold and subsequently by C. Arhold and N. Wimmer, lawyers, with an address for service in Luxembourg, against the Commission of the European Communities (Agents: V. Kreuzsitz and V. Di Bucci, with an address for service in Luxembourg), supported by Schott Glas, established in Mainz (Germany), represented by U. Soltész, lawyer — application for annulment of Commission Decision 2002/185/CE of 12 June 2001 on State aid implemented by Germany for Technische Glaswerke Ilmenau GmbH (Germany) (OJ 2002 L 62, p. 30) — the Court of First Instance (Fifth Chamber, Extended Composition), composed of R. García-Valdecasas, President, P. Lindh, J.D. Cooke, H. Legal and M.E. Martins Ribeiro, Judges; D. Christensen, Administrator, for the Registrar, gave a judgment on 8 July 2004, in which it:

1. Dismisses the action;
2. Orders the applicant to bear its own costs and to pay those incurred by the Commission and by the intervener in the main action and the interlocutory proceedings.

⁽¹⁾ OJ C 303 of 27.10.2001.

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 6 July 2004

in Case T-281/01: Hubert Huygens v Commission of the European Communities ⁽¹⁾

(Officials — Reporting procedure — Delay in the drawing-up of the staff report — Reasonable period — Action for damages — Material and non-material damage — Promotions procedure — Implied rejection of the applicant's promotion — Action for annulment — Decision not to promote the applicant in the 2000 promotions procedure — Lack of statement of reasons — Decision to promote 54 officials in the 2000 promotions procedure — Inadmissibility)

(2004/C 239/31)

(Language of the case: French)

In Case T-281/01, Hubert Huygens, an official of the Commission of the European Communities, residing in Olm (Luxembourg), represented by S. Nyssens, lawyer, with an address for service in Luxembourg, against the Commission of the European Communities (Agents: J. Curral and F. Clotuche-Duvieusart, with an address for service in Luxembourg) — application for compensation for the damage suffered as a result of the delay in the reporting procedure in respect of the applicant in the 1997/1999 procedure and, secondly, an application for the annulment of the implied rejection by the Commission of the claim for compensation for the damage suffered as a result of such delay, of the implied decision of the Commission refusing to promote the applicant to Grade B 1 in the 200 promotions procedure and of the decision of the commission to promote 54 officials to Grade B 1 in the 2000 promotions procedure and, in any event, of the decision of the Director of the Office for official publications of the European Communities to promote 4 officials to Grade B 1 as part of the 2000 promotions procedure — the Court of First Instance (First Chamber), composed of B. Vesterdorf, President, P. Mengozzi and M.E. Martins Ribeiro, Judges; J. Plingers, Administrator, for the Registrar, gave a judgment on 6 July 2004, in which it:

1. Orders the Commission to pay to the applicant EUR 500 in compensation for the non-material damage suffered by him;
2. Annuls the decision of the Commission not to promote the applicant to Grade B 1 in the 2000 promotions procedure which emerges from the publication in Administrative Notices No 31 of 6 April 2000 of the list of officials promoted to that grade;
3. Dismisses the remainder of the application;
4. Orders the Commission to pay the costs.

⁽¹⁾ OJ C 3 of 5.1.2002.