

COURT OF FIRST INSTANCE

Judgment of the Court of First Instance of 24 November 2005 — Marcuccio v Commission

(Case T-236/02) ⁽¹⁾

(Officials — Reassignment in the interests of the service — Action for annulment — Statement of reasons — Duty to have due regard for the welfare of officials Rights of the defence — Misuse of powers — Articles 25 and 26 of the Staff Regulations — Manifest error of assessment — Action for damages)

(2006/C 22/21)

Language of the case: Italian

Parties

Applicant(s): Luigi Marcuccio (Tricase, Italy) (represented by: L. Garofalo, lawyer)

Defendant(s): Commission of the European Communities (represented by: E. de March and C. Berardis-Kayser, Agents, assisted by A. dal Ferro, lawyer)

Application for

Annulment of the decision of the Commission of 18 March 2002 which reassigned the applicant from the Directorate-General for Development, Commission's Delegation in Luanda (Angola), to the Directorate General for Development in Brussels, of all preliminary, connected or consecutive measures, in particular those relating to the recruitment of another official to occupy his post, of the Commission's notes of 13 and 14 November 2001 and of the opinion or opinions of the managing Committee of the external services, and a claim indemnities in connection with his duties in Angola and damages for harm suffered

Operative part of the judgment

The Court:

- 1) Dismisses the application.
- 2) Orders the parties to bear their own costs, including those relating to the proceedings for interim measures before the Court of First Instance.

⁽¹⁾ OJ C 233, 28.9.2002.

Judgment of the Court of First Instance of 22 November 2005 — Vanhellemont v Commission

(Case T-396/03) ⁽¹⁾

(Officials — Staff committee — Elections for the Brussels local staff committee — Counting of votes cast — Action for annulment — Action for damages)

(2006/C 22/22)

Language of the case: French

Parties

Applicant(s): Joseph Vanhellemont (Merchtem, Belgium) (represented by: L. Vogel, lawyer)

Defendant(s): Commission of the European Communities (represented by: J. Currall and H. Kraemer, Agents)

Application for

First, annulment of the decision of the Commission of 26 August 2003 rejecting the complaint made by the applicant seeking the organisation of a recount of votes cast in the elections of December 2002 for the Brussels local staff committee of the Commission, and also, as far as necessary, the annulment of the decisions against which that complaint was directed and, second, a request for damages

Operative part of the judgment

The Court:

- 1) Annuls the decision of the Commission not to intervene following the applicant's challenges of 23 December 2002 seeking the organisation of a further recount of the votes cast in the elections of December 2002 for the Brussels local staff committee;
- 2) Rejects the remainder of the application;
- 3) Orders the Commission to pay the costs.

⁽¹⁾ OJ C 47, 21.2.2004.