

Georges Nickts, 87 Avenue Guillaume, against the Council of the European Communities (Agents: G. Peeters and J. Carbery) — concerning, at the present stage of the procedure, the admissibility of the application — the Court, composed of Lord Mackenzie Stuart, President, Y. Galmot, C. Kakouris and T. F. O'Higgins (Presidents of Chambers), T. Koopmans, O. Due, U. Everling, K. Bahlmann and J. C. Moitinho de Almeida, Judges; G. F. Mancini, Advocate General; D. Louterman, Administrator, for the Registrar, gave a judgment on 15 January 1987, the operative part of which is as follows:

1. *The application is dismissed as inadmissible.*
2. *The parties are ordered to bear their own costs.*

### JUDGMENT OF THE COURT

(First Chamber)

of 21 January 1986

**in Case 76/84: Alessandro Rienzi v. Commission of the European Communities (1)**

*(Refusal to recognize an occupational disease)*

(87/C 34/10)

*(Language of the case: French)*

*(Provisional translation; the definitive translation will be published in the Reports of Cases before the Court)*

In Case 76/84: Alessandro Rienzi, a former official of the Commission of the European Communities, residing at Plantage Centrum 9, Wouwse Plantage (Netherlands), represented by Jacques Putzeys and Xavier Leurquin, of the Brussels Bar, with an address for service in Luxembourg at the office of M. Nickts, Huissier de Justice, 17 Boulevard Royal, against the Commission of the European Communities (Agent: Dimitrios Gouloussis, assisted by Robert Andersen, of the Brussels Bar) — application for the annulment of the Commission's decision of 27 June 1983 awarding Mr Rienzi an invalidity pension, and of the accompanying letter of the same date, in so far as they refuse to recognize the illness which resulted in the applicant's invalidity as an occupational disease — the Court (First Chamber), composed of F. Schockweiler, President of Chamber, G. Bosco and R. Joliet, Judges; C. O. Lenz, Advocate General; B. Pastor, Administrator, for the Registrar, gave a judgment on 21 January 1987, the operative part of which is as follows:

1. *The application is dismissed.*
2. *The Commission is ordered to pay 50 % of the applicant's costs.*

(1) OJ No C 106, 17. 4. 1984.

### JUDGMENT OF THE COURT

(First Chamber)

of 21 January 1987

**in Case 219/84: Michael Powell v. Commission of the European Communities (1)**

*(Request for reclassification)*

(87/C 34/11)

*(Language of the case: French)*

*(Provisional translation; the definitive translation will be published in the Reports of Cases before the Court)*

In Case 219/84: Michael Powell, an official of the Commission of the European Communities, residing at 106 Avenue Circulaire, Brussels, represented by Victor Biel, of the Luxembourg Bar, with an address for service in Luxembourg at the latter's Chambers, 18a Rue des Glacis, against the Commission of the European Communities (Agent: Dimitrios Gouloussis) — application for the annulment of the Commission's decision of 1 March 1974 appointing Mr Powell as a probationary official with effect from 11 February 1974 and that of 31 October 1974, but only in so far as those decisions classify him in Grade A 5 — the Court, (First Chamber), composed of F. Schockweiler, President of Chamber, G. Bosco and R. Joliet, Judges; Sir Gordon Slynn, Advocate General; P. Heim, Registrar, gave a judgment on 21 January 1987, the operative part of which is as follows:

1. *The decision resulting from the memorandum of 6 January 1984 from the Director-General for Personnel and Administration by which the appointing authority of the Commission confirmed Mr Powell's original classification in Grade A 5 is annulled.*
2. *The Commission is ordered to pay the costs, including those relating to the objection of inadmissibility.*

(1) OJ No C 253, 20. 9. 1984.

**Reference for a preliminary ruling by the Cour d'Appel, Brussels, by judgment of that court of 11 September 1986 in the case of Arcado Sprl, v. Haviland SA**

(Case 9/87)

(87/C 34/12)

Reference has been made to the Court of Justice of the European Communities by a judgment of the Cour d'Appel [Court of Appeal], Brussels, of 11 September 1986, which was received at the Court Registry on 16