

- order the Council to pay token damages of one ecu by way of compensation, together with the costs of the proceedings including the interim proceedings.

*Pleas in law and main arguments adduced in support:*

The applicant, an artist who took part in the Council's competition 'to obtain proposals for works of art capable of being harmoniously integrated into the Council's new building under construction in Brussels', challenges the way in which the competition was conducted.

In that respect, she believes it was a breach of the competition rules for the selection committee to delegate to each national working group the task of selecting artists established on its own territory, without access to the files of candidates established in other Member States, and to do so, moreover, while at the same time arbitrarily fixing at three the number of artists to be preselected by each Member State.

The applicant also maintains that it was unlawful for that committee to decide to eliminate her, when 14 committee members out of 15 had not examined her candidature.

By acting in that way, the committee had disregarded the very concept of a competition the essence of which is an effective comparative examination of each candidature and the drawing up of a list of qualified candidates in order of merit.

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**Action brought on 18 March 1994 by Beatriz Sánchez Mateo against the Commission of the European Communities**  
(Case T-110/94)  
(94/C 120/59)

*(Language of the case: Spanish)*

An action against the Commission of the European Communities was brought before the Court of First Instance on 18 March 1994 by Beatriz Sánchez Mateo, represented by Antonio Creus of the Barcelona Bar and Ramón García-Gallardo of the Burgos Bar.

The applicant claims that the Court should:

- annul the implied rejection of her complaint by the Commission resulting from the absence of a reply to the complaint she submitted on 20 August 1993 under Article 90 of the Staff Regulations,
- confirm her entitlement to have the Commission transfer monthly to her building account in Danish crowns up to 35% of her net monthly salary, with retroactive effect,

- order the Commission to pay the following amounts:

- Dkr 119 098 payable from November 1992,
- alternatively to the sum requested in the foregoing paragraph, she requests the Court of First Instance to order the Commission to pay the sum of Bfr 114 421, that is to say, the equivalent in Belgian francs of the amount due in Danish crowns applying the relevant weighting, from the moment when the Commission should have approved the amount of the sums to be transferred to the applicant's building account,
- compound interest at 8% on the sums due, by way of default interest,
- the amounts referred to are to be adjusted at the time of delivery of judgment.

- order the Commission to pay legal interest from the date of judgment, should the latter be in the applicant's favour, until the Commission has paid the sums requested,

- order the Commission to pay the costs.

*Pleas in law and main arguments adduced in support:*

The applicant challenges the refusal to grant a first request to have sums transferred and a second request to increase the amount to be transferred from her monthly net salary to a building account in Danish crowns.

The applicant points out that both requests were made in good time, not only before the entry into effect of the internal directive of 31 July 1993 laying down the detailed rules for implementing the regulation on transfers, but also before the date when the Commission decided to suspend such transfers provisionally.

The applicant maintains in the first place that the Commission has breached the principles of equal treatment and the protection of legitimate expectations by failing to distinguish her position from that of the applicants in Case T-48/93, whose rights were in fact safeguarded by the Commission when it approved a transitional period up to 31 December 1997. The transfers fall quite properly within the scope of the rules governing the Community civil service, and are expressly covered by Article 17 of Annex VII to the Staff Regulations as well as the Commission Regulation laying down detailed rules for transfers of part of an official's remuneration.

The applicant also considers that the Commission is in breach of the duty to assist officials laid down in the third subparagraph of Article 24 of the Staff Regulations, inasmuch as the sums transferred are a part of her own salary.

Finally, she considers that the second subparagraph of Article 25 of the Staff Regulations has been breached, inasmuch as the decision challenged fails to satisfy the rule that every Community act must contain a statement of reasons.

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**Action brought on 18 March 1994 by Giovanni Ouzounoff Popoff against the Commission of the European Communities**

(Case T-111/94)

(94/C 120/60)

*(Language of the case: Spanish)*

An action against the Commission of the European Communities was brought before the Court of First Instance on 18 March 1994 by Giovanni Ouzounoff Popoff, represented by Antonio Creus of the Barcelona Bar and Ramón García-Gallardo of the Burgos Bar.

The applicant claims that the Court should:

- annul the implied rejection of his complaint by the Commission resulting from the absence of a reply to the complaint he submitted on 20 August 1993 under Article 90 of the Staff Regulations,
- confirm his entitlement to have the amount of the sums transferred monthly to his building account in Danish crowns increased to 35 % of his net monthly salary, with retroactive effect,
- order the Commission to pay the following amounts:

- Dkr 216 228 payable from November 1992,
- alternatively to the sum requested in the foregoing paragraph, he requests the Court of First Instance to order the Commission to pay the sum of Bfr 207 257, that is to say, the equivalent in Belgian francs of the amount due in Danish crowns applying the relevant weighting, from the moment when the Commission should have increased the amount of the sums to be transferred to the applicant's building account,
- compound interest at 8 % on the sums due, by way of default interest,
- the amounts referred to are to be adjusted at the time of delivery of judgment,
- order the Commission to pay legal interest from the date of judgment, should the latter be in the applicant's favour, until the Commission has paid the sums requested,
- order the Commission to pay the costs.

*Pleas in law and main arguments adduced in support:*

The applicant challenges the refusal to grant two requests to increase the amounts transferred from his monthly net salary to a building account in Danish crowns.

The pleas in law and main arguments are the same as those in Case T-110/94.

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