

ORDER OF THE COURT OF FIRST INSTANCE (Fifth Chamber)
23 July 1997

Case T-24/96

U
v
European Centre for the Development of Vocational Training
(Cedefop)

(No need to adjudicate)

Full text in German II - 749

Application for: annulment of the decision by Cedefop of 8 February 1996, rejecting an application for the extension of the applicant's secondment to the representation of the Commission of the European Communities in Berlin and ordering his posting to Thessaloniki.

Decision: No need to adjudicate.

Abstract of the Order

The application for discontinuance of the action

By a decision of the defendant (Cedefop) of 31 July 1995, the applicant was seconded as from 1 September 1995, the date of the defendant's removal to Thessaloniki, to the representation of the Commission of the European Communities in Berlin, for a period of six months.

By letter of 12 February 1996, the defendant notified the applicant of its decision of 8 February 1996 posting him to Thessaloniki as from 1 March 1996. It added that a refusal by the applicant to present himself in Thessaloniki by that date would be regarded as a resignation on his part.

By application lodged at the registry of the Court of First Instance on 27 February 1996, the applicant brought an action under Article 179 of the EC Treaty for the annulment of the decision of 8 February 1996, rejecting the application for extension of his secondment to the representation of the Commission in Berlin and ordering his posting to Thessaloniki.

By order of 29 March 1996 (T-24/96 R *U v Cedefop* [1996] ECR-SC II-479) terminating the procedure for interim relief, the President of the Court of First Instance extended the suspension of operation of the measure until 12 April 1996, but dismissed the remainder of the application for interim relief.

In his reply, lodged at the Registry of the Court of First Instance on 14 November 1996, the applicant applied for an order that the proceedings be discontinued. In its rejoinder of 13 January 1997, the defendant stated that it had no objection to that request.

By separate documents, lodged on 28 May and 2 June 1997 respectively, the defendant and the applicant applied for discontinuance of the proceedings.

In those circumstances, the Court finds that there is no need to adjudicate.

Costs

The defendant requests the Court to order the applicant to pay all of the costs, pursuant to the second subparagraph of Article 87(3) of the Rules of Procedure. It maintains that the applicant brought his action and his application for interim measures knowing that they had no chance of succeeding (paragraph 16).

Under Article 20 of the Staff Regulations of Officials of the European Communities, 'an official shall reside either in the place where he is employed or at no greater distance therefrom as is compatible with the proper performance of his duties'. When accepting his establishment on 1 January 1996, as an official of Cedefop, the applicant knew that he would be required to reside in Thessaloniki, the sole seat of the defendant since 1 September 1995 (paragraph 17).

Operative part:

There is no need to adjudicate on the action.

The applicant is ordered to pay his own costs and the costs incurred by the defendant in the proceedings for interim relief and in these proceedings.