

- (c) *the amount of the independent benefit and the amount of the pro rata benefit must be compared, pursuant to the second subparagraph of Article 46 (1) of Regulation (EEC) No 1408/71, the competent institution being obliged to take the highest of those amounts into consideration;*
- (d) *the amount of the adjusted benefit must be determined pursuant to Article 46 (3) of Regulation (EEC) No 1408/71, the competent institution being obliged, if necessary, to reduce the independent benefit by deducting from it the total of the benefits calculated in accordance with the provisions of Article 46 (1) and (2) of Regulation (EEC) No 1408/71 in so far as the benefit exceeds the ceiling referred to in the first subparagraph of Article 46 (3);*
- (e) *the amount resulting from full application of the national law applicable, including its rules for the prevention of overlapping benefits, must be compared with the amount arrived at after the calculation pursuant to Article 46 of Regulation (EEC) No 1408/71, the highest of those amounts to be taken into consideration.*

Hanning, an official of the Council of Europe, represented by Georges Vandersanden, Avocat, Brussels, with an address for service in Luxembourg at the Chambers of Alex Schmitt, 62 avenue Guillaume, who claims that the appeal should be dismissed — the Court (Third Chamber), composed of F. Grévisse, President of the Chamber, J. C. Moitinho de Almeida and M. Zuleeg, Judges; M. Darmon, Advocate-General; D. Loueterman, Principal Administrator, for the Registrar, gave a judgment on 20 February 1992, the operative part of which is as follows:

1. *Paragraphs 1 and 3 of the operative part of the judgment delivered by the Court of First Instance on 20 September 1990 in Case T-37/89 Hanning v. Parliament [1990] ECR II-463 are set aside.*
2. *The conclusions in Mr Hanning's application seeking the annulment of the decision of the President of the European Parliament dated 19 February 1988 to ignore the results of Competition PE/41/A and organize a new competition, and of the implied decision of the European Parliament rejecting Mr Hanning's complaint of 17 June 1988 against that decision, are dismissed.*
3. *Each party shall bear its own costs for these proceedings and for the proceedings before the Court of First Instance.*

JUDGMENT OF THE COURT

(Third Chamber)

of 20 February 1992

in Case C-345/90 P: European Parliament v. Jack Hanning ⁽¹⁾

(Appeal — Officials — Competitions — Candidates wrongly admitted to a competition — Consequences)

(92/C 69/05)

(Language of the case: French)

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

In Case C-345/90 P: European Parliament (Agents: Jorge Campinos and Manfred Peter), an appeal against the judgment delivered by the Court of First Instance of the European Communities on 20 September 1990 in Case T-37/89 Jack Hanning v. European Parliament [1990] ECR II-463, seeking to have that judgment set aside, the other party to the proceedings being Jack

ORDER OF THE COURT

(Fifth Chamber)

of 17 January 1992

in Case C-152/88: Sofrimport SARL v. Commission of the European Communities ⁽¹⁾

(Community protective measures — Non-contractual liability — No need to give a decision)

(92/C 69/06)

(Language of the case: English)

In Case C-152/88: Sofrimport SARL, a company incorporated under French law whose head office is in Paris, represented by H. J. Bronkhorst, a member of the Hague Bar with right of audience before the Hoge Raad, and E. H. Pijnacker Hordijk, of the Amsterdam Bar, with an address for service in Luxembourg at the Chambers of Jacques Loesch, 8 rue Zithe, against Commission of

⁽¹⁾ OJ No C 326, 28. 12. 1990;
OJ No C 56, 5. 3. 1991.

⁽¹⁾ OJ No C 190, 19. 7. 1988;
OJ No C 179, 19. 7. 1990.