

# COURT OF JUSTICE

## JUDGMENT OF THE COURT

(First Chamber)

of 12 March 1975

in Case 23/74: Berthold Küster v. European Parliament <sup>(1)</sup>

(Language of the Case: French)

In Case 23/74: Berthold Küster (Counsel: Victor Biel) v. European Parliament (Agents: H. R. Nord and Alex Bonn), application pursuant to Article 7 (2) of the Staff Regulations for recognition of the status of official called upon to occupy temporarily a post in category A 3 and for the differential allowance relating thereto and the annulment of the appointments made by the European Parliament by virtue of internal competition No A/43, the Court (First Chamber) composed of J. Mertens de Wilmars, President of Chamber, A. M. Donner (Rapporteur) and A. O'Keefe, Judges; Advocate-General: G. Reischl; Registrar: A. Van Houtte gave a judgment on 12 March 1975 the operative part of which is as follows:

1. *The action is dismissed.*
2. *Each party is ordered to bear its own costs.*

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<sup>(1)</sup> OJ No C 52, 7. 5. 1974.

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**Action brought on 13 May 1975 by I.B.C. Importazione Bestiame Carni s.r.l. against the Commission of the European Communities**

(Case 46/75)

An action against the Commission of the European Communities was brought before the Court of Justice of the European Communities on 13 May 1975 by I.B.C. Importazione Bestiame Carni s.r.l., whose registered office is in Trieste, assisted and represented by its director and legal representative in office Gaetano Dolfini, together with Augusto Pino and Pier Luigi Bonifaz, Advocates, with an address for service in Luxembourg at the Chambers of Ernest Arendt, Advocate, 34b Rue Philippe-II.

The applicant claims that the Court should:

1. Declare Article 5 of Commission Regulation (EEC) No 1463/73 to be invalid on the ground: (a) that the subtraction from the monetary compensatory amounts of the amount to be deducted conflicts with the purpose of the compensatory amounts; and (b) that the rule infringes the provision of Article 4 A and constitutes the exercise of a power not conferred on the Commission.

2. Consequently, order the Community institutions to make reparation for the damage suffered by the said undertaking, consisting of the sum of 354 669 lire paid in excess and legal interest together with the costs of these proceedings.

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**Action brought on 27 May 1975 by the Government of the Federal Republic of Germany  
against the Commission of the European Communities**

(Case 47/75)

An action against the Commission of the European Communities was brought before the Court of Justice of the European Communities on 27 May 1975 by the Government of the Federal Republic of Germany, represented by Dr. Martin Seidel, Ministerialrat at the Federal Ministry for Economic Affairs and Dr. Klaus Winkel, Regierungsdirektor at the Federal Ministry for Economic Affairs, with an address for service in Luxembourg at the Chancellery of the Embassy of the Federal Republic of Germany, 20-22, Avenue de l'Arsenal.

The applicant claims that the Court should:

1. Annul Commission Decision No 75/023200 of 20 March 1975 on the payment under Regulation (EEC) No 787/69 of expenses occasioned by the transfer of cereals bought in by the intervention agencies to other stores owing to notices to quit existing stores, to the extent to which it refuses to accept responsibility for such expenses arising out of such notices to quit.
2. Order the Commission to pay the costs.

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**Removal of Case 133/73 <sup>(1)</sup>**

By order of 28 May 1975, the Court of Justice (First Chamber) of the European Communities ordered the removal from the Register of Case 133/73: Herbert Bruns v. Commission of the European Communities.

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<sup>(1)</sup> OJ No C 55, 12. 7. 1973.

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