JUDGMENT OF THE COURT (SECOND CHAMBER)
20 MAY 1976 [1]

Margherita Macevicius v European Parliament

Case 66/75

Summary

Officials — Application — Subject-matter — Measure coming within the power of internal organization — Admissibility — Conditions
(Staff Regulations of Officials, Articles 5, 7, 91)

A measure coming within the power of internal organization of an institution can be actionable under Article 91 of the Staff Regulations only if it adversely affected the rights which the person concerned has under Articles 5 and 7 of those Regulations, especially by requiring him to carry out duties which do not correspond to his post and grade.

For such to be the case, it is not sufficient that the said measures should bring about a change or even any reduction in the responsibilities of the person concerned, but it is necessary that, taken together, his remaining responsibilities should fall clearly short of those corresponding to his grade and post, taking account of their character, their importance and their scope.

In Case 66/75

MARGHERITA HEBRANT (NÉE MACEVICIUS), official of the European Parliament, represented by Victor Biel, of the Luxembourg Bar, with an address for service in Luxembourg at the Chambers of Mr Biel, 18a rue des Glacis,

applicant,

EUROPEAN PARLIAMENT, represented by its Secretary-General, Hans Robert Nord, acting as Agent, assisted by Alex Bonn, of the Luxembourg Bar, with an address for service in Luxembourg at the Chambers of Mr Bonn, 22, côte d'Eich,

defendant,

Application for the annulment of the appointment of another official to the duties of re-organization of the Parliament Library and Chairman of a

1 — Language of the Case: French.

working party, as well as a declaration that the Parliament has committed a wrongful act in respect of the applicant by failing to give favourable consideration to the complaint made by her.

THE COURT (Second Chamber)

composed of: H. Kutscher, President of Chamber, P. Pescatore and M. Sørensen, Judges,

Advocate-General: H. Mayras
Registrar: A. Van Houtte

gives the following

JUDGMENT

Facts

The facts of the case, the procedure, the conclusions and the submissions and arguments of the parties may be summarized as follows:

I — Facts and written procedure

1. The applicant, a qualified librarian who took up duties with the defendant institution on 1 December 1967, has since been taking part in the management and the administration of the Parliament Library. On 1 January 1973, she was classified in Grade A 4 (principal administrator).

In 1972, the Parliament appointed Mr Taylor as Head of the Directorate-General for Research and Documentation under which the library comes. On 1 March 1974, Mr Taylor took over control of this in a more direct manner. Mr Taylor had come to the conclusion that there was reason, as regards the classification of the works in the library, to replace the analytical system, which had been used until then, by the decimal system; finally, a compromise was reached under which the existing catalogue would continue to be maintained, but a decimal classification would be set up for new books and for works of specific interest. Certain officials, including the applicant, were opposed to that solution.

2. On 23 September 1974, the Bureau of the Parliament decided to authorize Mr Taylor to put the intended reforms into operation.

In a note of 9 October 1974 addressed to the applicant, Mr Taylor:
— indicated his intention to entrust the duties of re-organization of the

library to Mr Reid, a servant in Grade A 5, mentioning that

- it would hardly be of interest to the applicant to take up these duties, since she had shown her opposition to the reforms in question;
- suggested to the applicant that she should, for a certain time, occupy herself with studies concerning the possibility of modernizing the library and putting its catalogue on a computer;

and continued, *inter alia,* as follows: 'You mentioned during our discussions the possibility that you should maintain your present duties in supervising the analytical catalogue. However, I would if I may, strongly recommend you against pursuing this idea. I appreciate your great experience in this field but, as I have said, responsibility for controlling the re-organization of a classification system will be that of Mr Reid, under my authority. While I am sure Mr Reid will not seek to intervene more than is strictly necessary in the day-to-day work of the extremely efficient staff engaged on the analytical catalogue, it would nonetheless be necessary for you, if you remained in this particular domain, to follow his instructions in an operation to which you remain firmly opposed. Mr Reid is, as you have reminded me on several occasions, junior to you in rank, which would itself seem likely to create problems and, in general, I would have thought this solution would prove most distasteful to you.'

In a note in reply of 6 November 1974, the applicant:

- after criticizing the solution of the simultaneous use of the analytical and decimal systems of classification, stated *inter alia* that nevertheless, 'I bow before [the decision thus adopted], without however giving it my professional approval' and that consequently, 'I shall continue the administration and the management of the library';
- stated that the work of re-organizing the library was 'hierarchically and technically within my jurisdiction' and could not therefore be confided to Mr Reid, who, a chemist by profession, did not possess the qualification of a librarian, who would be inferior in rank to the applicant and who had been in the service of the Parliament for only nine months, whereas the applicant's length of service amounted to seven years;
- emphasized that, in these circumstances, it was unacceptable that she should be subordinated to Mr Reid;
- refused to devote herself to the studies suggested by Mr Taylor.

3. In a note of 7 December 1974 distributed to the officials concerned and headed 'Proposed re-organization of the Library Classification System', Mr Taylor made *inter alia* the following statements:

'... Briefly outlined below are the main changes in the classification system which will be introduced and the next steps it is proposed to take in this field ... It has been decided to set up a 5-member Working Party under Mr Reid's Chairmanship and comprising Mme Lemmer, Mlle Løj, Mme Subtil and Mr Worsley. This group, ... will meet regularly and all decisions will be minuted and communicated to the library staff as a whole.

The principal terms of reference of the Working Party will be:

(a) to establish a clear policy with regard to the type of publications to be displayed;
(b) to specify the necessary training programmes and to ensure that problems, both human and practical, which may arise are adequately dealt with;

(c) to establish the immediate shelving requirements and to explore the long-term space problems, and
(d) to lay down the *modus operandi* for ensuring a smooth changeover.'

By a note of 21 November 1974 addressed to Mr Taylor, the applicant protested against the appointment of Mr Reid to the duties of re-organizer, claiming in particular that:
— that decision amounted in fact to giving to Mr Reid 'the general management of the library', and had been adopted 'in disregard of the intangible rights attaching to the grade, the qualifications, the duties and the seniority' of the applicant;
— Mr Taylor had placed the applicant 'in an unacceptable false position' by not leaving her any alternative except that of subordinating herself to Mr Reid or of leaving the management of the library;
— the applicant was thus displaced from her position of management and of the work of re-organization;
— she asked for an immediate review of the contested measures.

In his note in reply of 25 November 1974, Mr Taylor made, *inter alia,* the following observations:

'... I have not created any new post in the Library ... but have merely nominated a Working Party ... to make recommendations for reforms which the President of the Parliament authorized me to put into effect, ... I understand from your notes that you would have liked to be a member of this Working Party, but I had already indicated to you in a note dated 9 October the reasons why I did not consider this suitable...

In any event, however, membership or non-membership of a Working Party does not affect one's hierarchical position in a Directorate-General ... the Working Party in the Library is not endowed with executive powers. It makes recommendations to me on which I take decisions ... however, just as your position as an A4 is unaffected by the creation of the Working Party, so also is the task you are allotted in the Library ... You are responsible directly to me for one part of the library's services, namely the overall control of the analytical catalogue, and Mr Reid is equally responsible to me for another part, namely the reference and information services with certain other matters held in common ..."

In a note to Mr Taylor of 15 December 1974, the applicant kept to her previous position. As regards more especially the passages in the abovementioned note of 25 November concerning the division of duties between Mr Reid and herself, the applicant made the following comment:

'... How could I be occupied with the supervision of the analytical catalogue since, following your re-organization, the catalogue has become mixed and general and is directed and supervised by Mr Reid ... To a layman and in appearance, it would seem that Mr Reid and myself would be concerned with two independent and distinct parts of two different departments of the library. However, this is in no way the case; since the introduction of this re-organization, all the departments have been centralized by you in the hands and under the direction of Mr Reid, who has been specifically appointed to direct them and to supervise them.'

4. On 28 December 1974, the applicant made a complaint to the President of the Parliament under Article 90 of the Staff Regulations of Officials, requesting him to 'revoke [the] appointments' of Mr Reid to the duties of re-organizer and of Chairman of the Working Party and 'to have ... these duties conferred on me.'

By a letter of 5 May 1975, the President of the Parliament rejected the complaint.

5. On 31 July 1975, the applicant made the present application.

6. The Court (Second Chamber), on hearing the report of the Judge-Rapporteur and the views of the Advocate-General, decided to open the oral procedure without any preparatory inquiry. It nevertheless called upon the parties to reply in writing, within a period expiring before the hearing, to certain questions, and called upon the Parliament to produce certain documents within the same period.

II — Conclusions of the parties

The *applicant* claims *inter alia* that the Court should:

'declare that the appointment of Mr Reid to the twofold duties of re-organizer of the Parliament Library and as Chairman of the re-organization working party injuriously affects the applicant, that it is illegal and must consequently be annulled;

declare that the Parliament is guilty of a wrongful omission in failing to give favourable consideration to the complaint of Mrs Hebrant ...'

'order the defendant to pay the entire costs'.

In her reply, the applicant specifies 'the scope these conclusions' by stating that she protests also and even principally against her subordination to the orders of Mr Reid and that further she disputes the note from Mr Taylor of 9 October 1974 in that it calls upon the applicant 'to take a non-existent post in a non-existent computer department'.

The *European Parliament* contends that the application should be declared inadmissible, and in the alternative unfounded, and that there should be an order as to costs in accordance with the provisions applicable. In its rejoinder, it states further, having regard to the abovementioned matters specified in the reply, 'that it is opposed to any alteration in the basis of the application, which is inadmissible'.

III — Submissions and arguments of the parties developed during the written procedure

1. Admissibility

The *Parliament* claims that the application is inadmissible for lack of interest and any ground of complaint.

The disputed measures were later revoked on 31 July 1975, the date on which the application was made, since on 29 April 1975 Mr Taylor dissolved the Working Party, the latter having lodged its re-organization proposals.

Furthermore, these measures, since they amount to general measures for the organization of departments, cannot be the subject of an application.

The *applicant* replies that on 29 April 1975 nothing happened from which it was possible to deduce the revocation of the criticized measures. On the contrary, on 24 April Mr Taylor in the presence of Mr Pöhle, Mr Reid and the applicant, 'stated very vaguely to Mr Reid that he thanked him for his work of re-organization and that he need take it no further'. This remark certainly did not allow it to be concluded that the said measures had been revoked. But even supposing that there had been a formal revocation — *quod non* — the application is admissible because on the one hand an official is entitled to complain even against the temporary infringement of his rights and, on the other hand, it suffices that the measures adversely affecting him existed at the time when the administrative complaint was made.

The disputed measures are actionable as adversely affecting the applicant's rights under the Staff Regulations, and

depriving her of her rank in the hierarchy and of duties corresponding to her grade and seniority.

The *Parliament* repeats in its previous statements, adding that since the interview of 29 April 1975, Mr Taylor in addition to thanking Mr Reid and to declaring the Working Party to be dissolved, introduced Mr Pöhle as the new director of the library. The Parliament offers to prove these facts by the oral testimony of Mr Pöhle.

The applicant is mistaken in stating that there was a double 'decision' by which Mr Taylor 'appointed' Mr Reid to be both 're-organizer of the library' and 'Chariman of the re-organization Working Party'. The only measure which occurred in the matter, the measure consequent upon Mr Taylor's note of 7 November 1974, consisted in establishing the Working Party and giving the chairmanship of it to Mr Reid, which did not constitute an 'appointment' within the meaning of the Staff Regulations. Both the form and the content of that measure make it clear that it was a matter of a measure of internal organization, and furthermore of a temporary nature, and not of a 'decision' within the meaning of Article 90 (2) of the Staff Regulations, that is to say, a measure adopted by the appointing authority.

2. On the substance of the case

The *applicant,* in her application, makes *inter alia* the following observations:

Mr Reid's nomination as re-organizer of the library gave him, by this very fact, the power to give instructions to all the library staff, including the applicant. That subordination appears clearly furthermore from Mr Taylor's letter of 9 October 1974. However, it is incompatible both with the general principles of the law relating to officials and with the spirit of the Staff Regulations (see the tables of basic posts and corresponding career brackets, constituting Annex I to the Staff Regulations) to place an official under the orders of a colleague in a lower grade. That decision adversely affected the applicant's position under the Staff Regulations and her professional dignity.

The critized appointment cannot be justified on the ground that the applicant was opposed to the introduction of the new system of classification. According to the wording of her letter of 6 November 1974, she stated that she bowed before the decision of the Parliament. An official cannot be criticized for fulfilling his professional duty by showing his disagreement with measures which he considers to be contrary to the interest of the service.

The applicant is all the more justified in disputing Mr Reid's appointment in that she can show that she has experience acquired in the library work; during recent years, she pratically assumed the whole responsibility for the departments of the library. On the other hand, Mr Reid has no qualification as a librarian, has no specific experience and knows only his mother tongue, English. In November 1974, he was only a temporary servant; his appointment as a probationer took place only in April 1975.

Under Article 24 of the Staff Regulations, the Community institutions are required to assist officials against threats and illegal acts from their immediate superiors. In the present case the letter of 9 October 1974 contained a threat, Mr Taylor having stated to the applicant that, if she refused the offer to devote herself thenceforth to the work which he suggested to her, she would have to be subordinate to Mr Reid. In failing to act upon the applicant's complaint directed towards the annulment of the disputed measures taken by Mr Taylor, the Parliament was therefore guilty of an unlawful omission. It was wrong for the President of the Parliament, in his letter of 5 May 1975 to claim that the decision

of Mr Taylor to appoint Mr Reid as Chairman of the Working Party and not the applicant 'is founded on a value-judgment'.

The *Parliament* in its defence, argues *inter alia* as follows:

The applicant's rights under the Staff Regulations have not been adversely affected. According to the combined provisions of Articles 5 and 7 of the Staff Regulations, the applicant could only have claimed that the duties which she was given should correspond to a post in her grade. Such was actually the case, her duties having remained those of a principal administrator. The Working Party, which was required only to put forward its proposals, carried out its duties only for seven months. During that time, the library continued to work as in the past; the applicant was therefore not removed from the management of the library.

The applicant is not subordinate to Mr Reid, but these two officials manage the library side by side, just as the applicant had previously managed it alongside Mr Lemmer. Furthermore, Grades A 4 and A 5 form a single career bracket, so that officials in one of these grades are not subordinate to one another, in the usual sense. In the present case, the seniority which weighs in favour of the applicant gives her greater authority. It appears from Mr Taylor's notes that he intended to avoid any subordination of the applicant contrary to her status. The real concern of the applicant was to obtain new responsibilities for which she regarded herself as the most qualified person; however, she cannot claim a right under the Staff Regulations to a particular post; furthermore the disputed measures did not imply the creation of a new post.

In a hierarchical organization, a final decision must ultimately be taken and executed loyally. The administration of the Parliament only used its power of organization which requires it to arrange the working of the service in accordance with administrative requirements. Mr Taylor intended to have collaborating on the decimal system only the officials who were ready to do so.

The reforms suggested by Mr Taylor were approved by the Bureau of the Parliament. Following that decision, it was necessary to prepare the appropriate directives; the creation of a working party was the best solution for this purpose. The choice of a chairman and members of this group came within the discretion of the Director-General; it is doubtful whether the Court is entitled to review this. Nevertheless everything points to the belief that Mr Taylor's decision was justified, given especially that the professional experience of the applicant only related to the analytical system.

Lastly, it is incorrect to say that the applicant had during recent years, assumed sole responsibility for the departments of the library. After the transfer of Mr Lemmer to another post, and whilst waiting for a second director of the library to be appointed, Mr Balbiani, head of division, was more particularly responsible for the library. Since the transfer of Mr Balbiani in March 1974, Mr Taylor has assumed responsibility for the library.

The *applicant's* reply runs essentially as follows:

The applicant is justified in pleading the infringement of Articles 5 and 7 of the Staff Regulations, since, according to Mr Taylor's note of 9 October 1974, she can no longer perform the duties of principal administrator. In fact, the duties which he had suggested to her in that note (the introduction of a computer system) do not exist; furthermore Mr Taylor could not have overlooked the fact that he had no right to create a new post. On the other hand, it appears clearly from the note that should the applicant not accept

the said proposal and should she prefer to continue to work in the library, she would have to follow Mr Reid's instructions. Since in fact she did not agree to the proposal, she had therefore, according to the very words of Mr Taylor, to subordinate herself to Mr Reid.

It is wrong to say that the applicant was able to continue to work in the same conditions as previously, when she had been 'divested of and *de facto* removed' from her duties of the management and technical direction of the library.

The argument that the career bracket A 5/A 4 forms a unit, so that there cannot be subordination in the reciprocal relationships between A 5 officials and A 4 officials, is wrong; in fact it frequently occurs that an A 5 official finds himself subordinate to his colleague classified as A 4.

It cannot be stated that the measures taken by Mr Taylor concerning the re-organization of the library were only of a temporary nature, when the problems created by such a re-organization are the problems of a generation. Furthermore, the task entrusted to Mr Reid was never revoked, either verbally or in writing.

Since the beginning Mr Taylor was resolved to introduce the decimal system. However a complete re-organization of the library proved to be impossible immediately, so that Mr Taylor finally decided to resort to a system of combining in a single catalogue the analytical and decimal classifications. Such a mixed system is impracticable, as the applicant demonstrates in detail.

The applicant was the only official qualified to put the decimal system into operation. The academic studies leading to qualification as a librarian also deal with this system.

Since February 1971, when Mr Lemmer was transferred elsewhere, the applicant alone took over the management, the administration and the technical direction of the whole of the library. Mr Balbiani carried on only supervisory activities from 1970 until 1 March 1974, the date on which Mr Taylor took over responsibility for the library.

In its rejoinder the *Parliament* adheres to its previous statements and adds to them in the following manner:

The applicant is attempting to turn the discussion towards matters which are outside the jurisdiction of the Court, that is to say, the preference to be given to this or that classification system of a library and the respective professional competences of Mr Reid and of the applicant herself. Nevertheless the Parliament makes known its views on these points, stating *inter alia,* in a detailed manner, the reasons why Mr Reid is also highly qualified in the library sphere.

The fact that the applicant has suffered no reduction in her position as an official in Grade A 4 follows from the job-description which the applicant herself prepared on 23 March 1975 for the attention of Mr Pöhle. Further, her duties were further widened and increased in importance in summer of 1975, in that she was given the responsibility for the budget for the entire library, including the sphere entrusted to Mr Reid, a task which included the right to veto intended expenditure.

It would have been 'ridiculous' to entrust the task of re-organizing a department to an official who had declared repeatedly that she considered that re-organization to be nonsense.

The applicant's statements concerning the duties which she undertook previously in the library of the Parliament are contradictory.

IV — Questions put to the parties

After the close of the written procedure the Court (Second Chamber) called upon the parties to reply in writing to the questions;

- what had been the duties actually undertaken by the applicant before and after Mr Taylor's note of 9 October 1974;
- whether the duties which she undertook after that note were different in quantity or quality from her previous duties;
- in case of an affirmative answer, whether the whole of her field of activity, as it appeared after 9 October 1974, corresponded or did not correspond to a post in the grade of an A 4 official;
- whether she actually had to accept instruction from Mr Reid and, if so, in what sphere.

It further called upon the Parliament to produce the definition of 'the duties and powers attached to each basis post' within the meaning of the second paragraph of Article 5 (4) of the Staff Regulations of Officials, and the detailed list of posts for the library departments, to the extent to which such definitions or such a detailed list of posts have been laid down, and where these documents are of such character as to support the replies furnished by the Parliament to the abovementioned questions.

The parties complied with these requests.

V — Oral procedure

The parties presented oral argument at the hearing on 18 March 1976.

The Advocate-General delivered his opinion at the hearing on 8 April 1976.

Law

1 The application is in the first instance for the annulment of two measures of the European Parliament, that is to say the 'appointment' of Mr Reid, on the one hand, as Chairman of the Working Party charged with dealing with questions concerning the re-organization of the library of the defendant institution, and on the other hand, as re-organizer of that library.

2 The applicant further seeks a declaration of an unlawful act on the part of the President of the Parliament in not giving favourable consideration to the complaint which the applicant made against the abovementioned measures under Article 90 of the Staff Regulations of Officials.

I — Admissibility

3 The defendant institution claims that the application is inadmissible for lack of interest and absence any adverse effect upon her, since the disputed measures ceased to produce their effects at á date prior to that on which the

application was made and furthermore amounted to measures of internal organization, which are not actionable.

4 As to the appointment of Mr Reid as Chairman of the Working Party, the applicant does not seriously dispute that this was dissolved on 24 or 29 April 1975 and admits that Mr Taylor, who at the time directed the library, told Mr Reid in the presence of several persons, including the applicant, that he thanked him for his work 'and he need take it no further'.

5 Consequently, assuming that the disputed appointment had adversely affected the applicant within the meaning of Articles 90 and 91 of the Staff Regulations of Officials, that adverse effect, as well as the measure which caused it, had in any case ceased to exist prior to 31 July 1975, the date when the present application was made, so that, for these reasons alone the conclusions directed towards the annulment of the said appointment are inadmissible.

6 As to the nomination of Mr Reid as re-organizer of the library, it appears from the file that the person concerned continues at the present time to carry out that duty.

7 However, since that measure comes within the power of internal organization of the defendant institution, it can be actionable only if, as the applicant claims, it adversely affected the rights which she has under Articles 5 and 7 of the Staff Regulations of Officials, by requiring the applicant thenceforth to carry out duties which do not correspond to her post and grade, a question which also belongs to the substance of the case.

II — On the substance of the case

8 1. The applicant states that following the appointment of Mr Reid as re-organizer of the library, her own duties no longer corresponded to those of an official in Grade A 4, since this disputed measure had as consequence the subordination of the applicant to Mr Reid, who was at the time only a temporary servant in Grade A 5, and deprived her of a substantial part of her previous responsibilities.

9 A — As regards the alleged subordination, the applicant relies on the letter of 9 October 1974, in which Mr Taylor told her that, if she kept her duties of

supervising the establishment of the analytical catalogue, which she actually did, it would be necessary for her to comply with Mr Reid's instructions.

10 Questioned by the Court on whether she had actually had to conform to the instructions of Mr Reid, the applicant replied, on the one hand, that Mr Reid had not 'formally ordered her to do anything' and that she could not complain that he 'had used a hierarchical power' or 'had forced her hand' and, on the other hand that there had been 'subordination through an intermediary', since Mr Taylor, and, later, the new director of the library regularly confirmed suggestions coming from Mr Reid, thus turning them into instructions addressed to the applicant.

11 She added that, in a note of 15 December 1975, Mr Reid, although admitting that the applicant is responsible for the library budget, put into circulation a document containing the following passage 'Mme Hebrant, in consultation with Mr Reid, should prepare the overall budget proposals by February of the following year'.

12 The fact that a hierarchical superior addresses instructions to an official in accordance with proposals coming from another official in no way signifies that the first official has been subordinated to the second.

13 Further, when an official is required to act in a particular sphere, 'in consultation' with a colleague, this means only that the persons concerned carry out their respective functions on the footing of equality, but not that the first official is placed under the orders of the second.

14 Lastly, the very allegations of the applicant and other particulars in the file show that she succeeded in preserving her duties independently of Mr Reid.

15 In these circumstances, the fact that Mr Taylor by his letter of 9 October 1974 told the applicant that she might possibly have to conform to the instructions of Mr Reid is irrelevant.

16 B — As regards the point of the extent to which the appointment of Mr Reid as re-organizer of the library might have deprived the applicant of her

previous duties, it is important to state first that for a measure for the re-organization of departments to affect adversely the rights of an official under the Staff Regulations, it is not sufficient that it should bring about a change or even any reduction in responsibilities, but it is necessary that, taken together, his remaining responsibilities should fall clearly short of those corresponding to his grade and post, taking account of their character, their importance and their scope.

17 The contrary argument would amount further to restricting unduly the freedom of the Community institutions to organize their internal work in the best interests of the service.

18 It is sufficient therefore to consider, in the light of the answers provided by the parties to the questions asked by the Court and of the documents put forward in their support, whether the applicant has established that her present responsibilities do not correspond to those of a principal administrator classified in the higher grade in the career bracket A 4/A 5.

19 It appears from the 'definition of the duties' of the library officials, laid down by the defendant institution in December 1975 and constituting, by its official nature, the essential fact for the purposes of the present examination, that the library at present consists of two divisions placed respectively under the responsibility of the applicant and of Mr Reid and each of which includes in addition an administrator and a principal administrative assistant, coming respectively within career brackets A 6/A 7 and B 1.

20 According to the wording of this document, the responsibilities of the applicant are laid down by the following key words: 'supervision of the central catalogue', 'supervision of the catalogue and processing of works in French and Italian', 'ordering new acquisitions', 'supervision of the library budget', 'management of administrative questions' and 'information to users'.

21 The situation which emerges from that description agrees with the statement appearing in the note of 25 November 1974 which was sent by Mr Taylor to the applicant and which reads *inter alia:* 'you are responsible directly to me for one part of the Library's services, namely the overall control of the analytical catalogue, and Mr Reid is equally responsible to me for another part, namely ... This situation has not changed in any way ...'.

22 The said description even discloses responsibilities more extensive than those, which were already substantial, mentioned by the applicant in a note of 23 May 1975, addressed to the new director of the library and at the request of the latter, summarizing the tasks which she undertakes in the library.

23 That holds true in any case as regards the applicant's powers in budgetary matters, laid down at a meeting which took place on 14 July 1975 under the chairmanship of the said new director and at which, amongst others, the applicant and Mr Reid were present.

24 According to an internal note concerning that meeting prepared by the new director, it was then decided, after a discussion, that the applicant 'für das Budget der Bibliothek verantwortlich zeichnen soll. Dies bedeutet: eine permanente Kontrolle der Kredite und gegebenenfalls ein Vetorecht bei Anschaffungen, die die Möglichkeiten des Budgets übersteigen würden' ('should be responsible for the library budget, which means permanent supervision of appropriations and, where necessary, a right of veto over acquisitions which exceed the limit of the budget').

25 Next, a series of notes exchanged between the applicant and Mr Taylor confirm the responsibility of the applicant in respect of the acquisition of books and of the management of the library staff and show that Mr Taylor has repeatedly invited the applicant to make known her point of view on questions concerning the organization of the library.

26 It appears from all these factors, following the appointment of Mr Reid as re-organizer of this library, that there is no ground for saying that this measure led to reducing the work of the applicant to responsibilities less than those which correspond to those of a principal administrator classified in Grade A 4.

27 In these circumstances, the applicant's conclusions directed towards the annulment of the appointment of Mr Reid as re-organizer of the library of the European Parliament must be dismissed.

28 2. According to the applicant, the President of the Parliament was wrong in rejecting the complaint which the applicant made against the contested measures.

29 However, it follows from the foregoing considerations that the conclusions directed towards the annulment of these measures must be dismissed.

30 It follows that the disputed rejection cannot be regarded as illegal, so that, for that reason alone, the request for a declaration of an unlawful act or omission on the part of the President of the Parliament cannot be upheld.

Costs

31 The applicant has failed in her submissions.

32 Under Article 69 (2) of the Rules of Procedure the unsuccessful party shall be ordered to pay the costs.

33 Nevertheless under Article 70 of the Rules of Procedure the costs incurred by the institutions, in applications by servants of the Communities shall be borne by them.

On those grounds,

THE COURT (Second Chamber)

herbey hereby rules:

1. **The application is dismissed;**

2. **The parties shall bear their own costs.**

Kutscher Pescatore Sørensen

Delivered in open court in Luxembourg on 20 May 1976.

A. Van Houtte
Registrar

H. Kutscher
President of the Second Chamber