ORDER OF THE THIRD CHAMBER OF THE COURT
26 SEPTEMBER 1984 [1]

Suzanne Culmsee and Others v Economic and Social Committee and Council of the European Communities

Case 175/83

In Case 175/83

SUZANNE CULMSEE AND OTHERS,

applicants,

v

ECONOMIC AND SOCIAL COMMITTEE

and

COUNCIL OF THE EUROPEAN COMMUNITIES,

defendants.

1. By application lodged at the Court Registry on 16 August 1983, the applicants, officials of the Economic and Social Committee of the European Communities brought an action against that institution and, in so far as necessary, against the Council of the European Communities, seeking:

(a) a declaration that the applicants' salary statements for the month of December 1982, containing statements of salary arrears paid pursuant to Council Regulation No 3139/82 of 22 November 1982, are void in so far as those arrears are not increased by interest;

(b) in so far as necessary, a declaration that the rejection of the complaints lodged by the applicants under Article 90 (2) of the Staff Regulations is void; and

(c) compensation of the applicants for the financial loss which they have incurred and which is equal to the total interest calculated by applying the normal rate to the amount of arrears payable in respect of each due date until the actual date of payment.

1 — Language of the Case: French.

2. By a separate document dated 19 October 1983, the Council raised an objection of inadmissibility pursuant to Article 91 (1) of the Rules of Procedure and applied to the Court for a decision on that objection without considering the substance of the case.

3. According to the Council, the action brought is inadmissible because the applicants are not challenging any measure adopted by it and because they do not have a relationship with it such as that which exists between a Community institution, in its capacity as appointing authority, and its officials.

4. In their observations on the objection of inadmissibility raised by the Council, the applicants have not advanced any argument to the effect that that objection is unfounded. They limit themselves to stating that they "respectfully leave it for the Court to decide as it thinks fit on the objection of inadmissibility".

5. It should be pointed out that the action is not directed against a measure adopted by the Council but contests the salary statements issued by the Economic and Social Committee, the appointing authority, and also the rejection by the same authority of their complaints lodged under Article 90 (2) of the Staff Regulations. Similarly, the application for compensation is directed only against the Economic and Social Committee. Consequently, the application brought by the applicants is inadmissible in so far as it is directed against the Council.

THE COURT (Third Chamber)

composed of: Y. Galmot, President of Chamber, U. Everling and C. Kakouris, Judges,

Advocate General: G. F. Mancini
Registrar: P. Heim

having regard to Article 91 (3) and (4) of the Rules of Procedure,

hereby orders as follows:

1. **The application is dismissed as inadmissible in so far as it is directed against the Council;**

2. **The applicants are ordered to pay the costs.**

Luxembourg, 26 September 1984.

J. A. Pompe
Deputy Registrar

Y. Galmot
President of the Third Chamber