Re:

Appeal against the judgment of the Court of First Instance (Second Chamber) of 30 November 2005 in Case T-250/02 *Autosalone Ispra* v *Commission*, in which the Court of First Instance dismissed an application for a declaration that the Community was liable for the damage allegedly suffered by the applicant as a result of an overflowing drain the management and maintenance of which are the responsibility of the Joint Research Centre in Ispra — Breach of the procedural rules concerning the burden of proof.

Operative part

The Court:

1. Dismisses the appeal;

2. Orders Autosalone Ispra Snc to pay the costs.

Order of the Court (Sixth Chamber) of 14 December 2006 — Meister v OHIM

(Case C-12/05 P)

Appeal — Employment — Reassignment of a head of service as legal adviser to the Vice-President for Legal Affairs — Appeal in part manifestly inadmissible and in part manifestly unfounded

1. *Appeal — Grounds — Incorrect assessment of the facts — Inadmissible — Review by the Court of the assessment of the evidence — Possible only where the clear sense of the evidence has been distorted (Art. 225 EC; Statue of the Court of Justice, Art. 58, first para.) (see paras 39-41)*

2. *Officials — Organisation des services — Assignment of staff (Staff Regulations, Art. 7(1)) (see paras 45-48, 54-57, 75, 78)*

3. *Appeal — Grounds — Insufficient reasoning (see paras 82-84)*

4. *Appeal — Grounds — Error of law pleaded not identified — Inadmissible (Art. 225 EC; Statue of the Court of Justice, Art. 58, first para.; Rules of Procedure of the Court, Art. 112(1)(c)) (see paras 95, 96)*

5. *Officials — Measure of internal organisation taken in the interests of the service and not affecting either the position of the official under the Staff Regulations or the principle that grade and post should correspond (Staff Regulations, Art. 25) (see para. 104)*

Re:

Appeal against the judgment of the Court of First Instance (Third Chamber) of 28 October 2004 in Case T-76/03 *Meister* v *OHIM*, in which the Court of First Instance dismissed the action for annulment of OHIM's decision of 22 April 2002 appointing the appellant, in the interest of the service, with his post, as legal adviser to the Vice-President for Legal Affairs.

Operative part

The Court:

1. The appeal and cross-appeal are dismissed;

2. Mr Meister is ordered to pay the costs of the appeal;

3. The Office for Harmonisation in the Internal Market (Trade Marks and Designs) is ordered to pay the costs of the cross-appeal.