Case 14/84 Rev.

Marie-Reine Hansen, née Meyer,
v
Economic and Social Committee

ORDER OF THE THIRD CHAMBER OF THE COURT
14 May 1985 *

In Case 14/84 Rev.

Marie-Reine Hansen, née Meyer,

v

Economic and Social Committee

APPLICATION by the Economic and Social Committee under Article 74 of the Rules of Procedure of the Court for an order relieving it of the obligation to pay the costs imposed upon it by the Court in its judgment of 13 December 1984,

THE COURT (Third Chamber)

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

Advocate General: P. VerLoren van Themaat
Registrar: P. Heim

makes the following

* Language of the Case: French.

ORDER

1 By an application lodged at the Court Registry on 8 February 1985, pursuant to Article 74 of the Rules of Procedure of the Court, the Economic and Social Committee requested the Court to relieve it of the obligation to pay the costs imposed upon it by the Court in its judgment of 13 December 1984.

2 That judgment was given on an application by Marie-Reine Hansen, née Meyer, an official at the Economic and Social Committee, for a declaration that Decision No 317/83/A of 1 July 1983, whereby the Secretary-General of the Economic and Social Committee transferred the applicant, in her existing capacity as a secretarial assistant, to a new secretarial B5/B4 post, allocated to the Mail/Records/Library/ Documentation Department, was void, in so far as she was still designated in that decision as a secretarial assistant.

3 By a decision of 24 May 1984, which was referred to by the Economic and Social Committee for the first time in its rejoinder, the Secretary-General appointed Mrs Hansen an administrative assistant, that is to say she was appointed to a normal B post.

4 It was only at the hearing that the Economic and Social Committee pointed out that, in accordance with the provisions of the Staff Regulations as consistently applied by the Economic and Social Committee, seniority acquired by Mrs Hansen in a secretarial B post would be taken into account in full with regard to further advancement in the normal B stream. The Economic and Social Committee added that the problem of competition between Mrs Hansen and officials in the secretarial B stream no longer arose, since she now belonged to the normal B stream.

5 In giving judgment on that application on 13 December 1984, the Court took formal note of those statements and declared that, as a result of the adoption of the decision of 24 May 1984, Mrs Hansen's claim had been satisfied in full. In those circumstances the Court considered that the claims set out in her application had become devoid of purpose.

6 The Court made the following order as to costs:

'Under Article 69 (5) of the Rules of Procedure, where it is not necessary to rule on a claim the costs are to be in the discretion of the Court. It must be noted that the Economic and Social Committee did not reply in writing to the question put to it by the Court in order to ascertain whether the applicant still had an interest in continuing the proceedings after the adoption of the decision of 24 May 1984. The defendant answered that question only during the oral procedure.

Since the applicant therefore remained uncertain whether she had an interest in continuing the proceedings, it is appropriate in the circumstances of this case to order the Economic and Social Committee to pay the costs.'

7 The application by the Economic and Social Committee under Article 74 of the Rules of Procedure is for an order relieving it of the obligation to pay the costs imposed upon it by the Court in its judgment of 13 December 1984.

8 The Economic and Social Committee maintains that only Mrs Hansen was asked by the Registry to reply to the question put by the Court and that no such request was addressed to the Economic and Social Committee. Moreover, the Economic and Social Committee maintains that it demonstrated to a sufficient extent during the written procedure that Mrs Hansen had no interest in continuing the action.

9 The defendant in these proceedings maintains that the application submitted by the Economic and Social Committee cannot be regarded either as an application for rectification, which would in any event be inadmissible, or as an application for interpretation or for revision. As regards Article 74 of the Rules of Procedure, which is relied upon by the Economic and Social Committee, she considers that it cannot serve as a basis for the latter's application since the sole purpose of that provision is to enable the Court to settle disputes concerning the amount of costs that may be recovered after judgment has been given. She adds that, in any event, the order requiring the Economic and Social Committee to pay the costs is justified since, in view of the Economic and Social Committee's lack of precision during the written procedure, she remained uncertain whether she had an interest in continuing the proceedings.

10 Article 74 of the Rules of Procedure provides that 'if there is a dispute concerning the costs to be recovered, the Chamber to which the case has been assigned shall, on application by the party concerned and after hearing the opposite party and the Advocate General, make an order, from which no appeal shall lie'.

11 It must be noted that, according to the claims set out in its application, the Economic and Social Committee seeks an order relieving it of the obligation to pay the costs imposed upon it by the Court in its judgment of 13 December 1984; hence the application relates not to a dispute concerning the amount of costs to be recovered but to the very principle of the award of costs decided upon by the Court in a previous judgment.

12 In those circumstances, the provisions of the Rules of Procedure which are relied upon by the Economic and Social Committee cannot serve as a legal basis for its application. The application must therefore be dismissed.

Costs

13 Under Article 69 (2) of the Rules of Procedure, the unsuccessful party is to be ordered to pay the costs.

Since the Economic and Social Committee has been unsuccessful in its submissions, it must be ordered to pay the costs.

On those grounds,

THE COURT (Third Chamber),

after hearing the Opinion of the Advocate General,

hereby orders as follows:

(1) The application is dismissed.

(2) The costs are to be paid by the Economic and Social Committee.

Luxembourg, 14 May 1985

P. Heim
Registrar

C. Kakouris
President of the Third Chamber