Judgment of the Court (Second Chamber) of 10 January 2006 — *Commission* v *Alvarez Moreno*

(Case C-373/04 P)

(Appeal — Officials — Member of the auxiliary staff — Conference interpreter — Action — Request pursuant to Article 90(1) of the Staff Regulations — Measure adversely affecting a person — Definition)

1. *Officials of the European Communities — Action — Request within the meaning of Article 90(1) of the Staff Regulations — Definition (Staff Regulations, Art. 90(1) (see para. 37)*

2. *Officials of the European Communities — Action — Act adversely affecting an official — Definition (Staff Regulations, Art. 91) (see paras 42, 44)*

Re:

Appeal against the judgment of the Fifth Chamber of the Court of First Instance of 10 June 2004 in Joined Cases T-153/01 and T-323/01 *Alvarez Moreno* v *Commission* whereby the Court of First Instance annulled the Commission's decision of 23 February 2001 declaring the age limit laid down in Article 74(1)(a) of the Conditions of Employment of Other Servants applicable to the contracts of members of the auxiliary staff recruited under the third paragraph of Article 78 of the Conditions of Employment as conference interpreters.

Operative part:

The Court:

1. Sets aside the judgment of the Court of First Instance of the European Communities of 10 June 2004 in Joined Cases T-153/01 and T-323/01

Alvarez Moreno v *Commission* in so far as it declared that the action for annulment of the letter of Mr Walker of 23 February 2001 was admissible and ordered the Commission of the European Communities to pay the whole of the costs relating to the action in Case T-323/01;

2. In Case T-323/01, dismisses the action for annulment of, first, the letter of Mr Walker of 23 February 2001 and, second, the decision of the Commission of the European Communities of 7 September 2001 rejecting Mrs Alvarez Moreno's complaint;

3. Orders each of the parties to bear its or her own costs relating to the present proceedings and to those brought before the Court of First Instance of the European Communities.

Judgment of the Court (Third Chamber) of 12 January 2006 — *Germany* v *Commission*

(Case C-183/03)

(EAGGF — Decision 2003/102/EC — Expenditure excluded from Community financing — Arable cultures sector)

1. *Agriculture — EAGGF — Clearance of accounts (see para. 47)*

2. *Agriculture — Common agricultural policy — Integrated administration and control system for certain aid schemes (Commission Regulation No 3887/92, amended by Regulation No 2801/1999, Art. 6(5) (see paras 60-61)*