ORDER OF THE FIRST CHAMBER OF THE COURT
OF 21 MAY 1981 [1]

Jean-Jacques Charles Geist
v Commission of the European Communities

Case 192/80

In Case 192/80

JEAN-JACQUES CHARLES GEIST

v

COMMISSION OF THE EUROPEAN COMMUNITIES

THE COURT (First Chamber)

composed of: T. Koopmans, President of Chamber, A. O'Keeffe and G. Bosco, Judges,

Advocate General: S. Rozès
Registrar: A. Van Houtte

Having heard the views of the Advocate General,

makes the following

1 — Language of the Case: French.

ORDER

Facts and Issues

On 14 July 1977 the Court (Second Chamber) gave a judgment in Case 61/76 *(Geist* v *Commission)* which *inter alia* ordered the Commission to pay the applicant BFR 10 000 as damages for failure to draw up periodic reports for the period 1965 to 1975.

By application lodged at the Registry on 29 September 1980, Mr Geist asked the Court to order the Commission to draw up his periodic report for the period 1973 to 1975, relying upon a single submission in support of his claim, namely infringement of Article 43 of the Staff Regulations of Officials.

By a document lodged at the Registry on 3 November 1980 the Commission put forward an objection of inadmissibility under Article 91 (1) of the Rules of Procedure. It claims that the application in this case has the same purpose and relates to the same cause of action as the claims accepted by the Court in 1977. It is true that paragraph 46 of the judgment of 14 July 1977, as served on the applicant, contained an error as no reference was made to the periodic report for the years 1973 to 1975. However, it appears clearly from the judgment that the intention of the Court was in reality to give judgment in relation to the whole period referred to in the application. If the view should be taken that the Court did not give judgment in relation to the said report this action is, in the Commission's view, out of time and accordingly inadmissible.

The applicant emphasizes, in his observations on the aforementioned objection, that paragraph 46 of the judgment is perfectly clear and refers to the reports for 1969, 1971 and 1973 and nothing else.

Decision

According to the provisions of Article 91 (3) of the Rules of Procedure unless the Court decides otherwise the remainder of the proceedings in relation to an objection is to be oral. The Court takes the view that there is no need to open the oral procedure and decides, pursuant to Article 91 (3), to deal with the application without delay on the basis of the written documents.

Although there is a slip of the pen in paragraph 46 of the judgment in Case 61/76 it appears clearly both from paragraph 17 and from the operative part of the judgment that the Court included the periodic report for 1973 to 1975 in the list of reports which the applicant was seeking to have drawn up and that the damages fixed at BFR 10 000 were calculated for the failure to draw up all the periodic reports, including the one in question in these proceedings.

The application is inadmissible.

On those grounds

THE COURT (First Chamber)

hereby orders as follows:

1. **The application is dismissed as inadmissible.**

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

Luxembourg, 21 May 1981.

A. Van Houtte
Registrar

T. Koopmans
President of the First Chamber