ORDER OF THE FIRST CHAMBER OF THE COURT
OF 8 JULY 1981 [1]

Maurice André and Others
v Council and Commission of the European Communities

Joined Cases 219 to 228, 230 to 235, 237, 238 and 240 to 242/80

Joined Cases 219 to 228, 230 to 235, 237, 238 and 240 to 242/80

MAURICE ANDRÉ AND OTHERS

v

COUNCIL OF THE EUROPEAN COMMUNITIES

and

COMMISSION OF THE EUROPEAN COMMUNITIES

Facts and Issues

By applications dated 24 October 1980 the applicants, officials of the Commission, brought actions for the annulment of:

1. Council Regulation No 160/80 of 21 January 1980 amending the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities (Official Journal L 20, p. 1);

2. Council Regulation No 161/80 of 21 January 1980 adjusting the remuneration and pensions of officials and other servants of the European

1 — Language of the Case: French.

Communities and the weightings applied thereto (Official Journal L 20, p. 5);

3. The calculation of their remuneration effected by the application of the two regulations mentioned above.

In their applications the applicants state that they had made a complaint to the Commission within the meaning of Article 90 (2) of the Staff Regulations of Officials and that the complaint was rejected by a decision of 28 July 1980. They ask that the Council should be ordered to pay the costs.

The Commission has lodged a defence; the Council, by a document lodged on 27 March 1981, has put forward an objection of inadmissibility under Article 91 of the Rules of Procedure. The applicants have replied to that objection by a document lodged on 21 May 1981 in which they ask the Court to declare their applications admissible in so far as they are directed against the Council.

Decision

According to the provisions of Article 91 (3) of the Rules of Procedure the remainder of the proceedings on the objection raised, after the opposite party has put forward his submissions and the grounds for them, is to be oral unless the Court decides otherwise. The Court takes the view that in this case it has sufficient information and that there is no need to open the oral procedure.

The applications are obviously inadmissible in so far as they are directed against the Council.

According to Article 91 (2) of the Staff Regulations of Officials actions brought by officials under Article 179 of the EEC Treaty must be directed against the appointing authority. To the extent to which they are directed against the Council, these actions do not satisfy that condition.

Furthermore, as Regulations Nos 160/80 and 161/80 are neither decisions addressed to the applicants nor decisions which, although in the form of regulations, are of direct and individual concern to them, the applications are equally inadmissible in so far as they are based on Article 173 of the EEC Treaty.

On those grounds,

Having regard to Articles 69, 70 and 91 of the Rules of Procedure and to the views of the Advocate General,

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

hereby orders as follows:

1. **The applications are dismissed as inadmissible in so far as they are directed against the Council.**

2. **The Council shall bear its own costs; the costs incurred by the applicants are reserved.**

Luxembourg, 8 July 1981

A. Van Houtte
Registrar

T. Koopmans
President of the First Chamber