

Action brought on 24 January 2002 by Spyridon de Athanassios Pappas against Commission of the European Communities

(Case T-11/02)

(2002/C 68/36)

(Language of the case: French)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 24 January 2002 by Spyridon de Athanassios Pappas, residing in Kraainem (Belgium), represented by Konstantinos Adamantopoulos, lawyer.

The applicant claims that the Court should:

- annul the decision of the appointing authority of 26 October 2001 in response to his complaint (R/277/01) of 5 June 2001;
- order the Commission to pay the costs.

Pleas in law and main arguments

The applicant, formerly a Director-General at the Commission, contests the decision fixing the duration of the monthly allowance paid to him following his retirement in the interests of the service, decided on the basis of Article 50 of the Staff Regulations, on the ground that it does not take into account, in the computation, of the applicant's period of service in the national administrative authorities of Greece and the Netherlands prior to his taking up his duties with the Communities.

He argues that where an official takes up duties with the Communities after having worked for a national administration and such administration has paid to the Communities the actuarial equivalent of his prior pension entitlement or, as in his case, the sums repaid from the pension fund, the period of former service of such official is, pursuant to Articles 11 and 12 of Annex VIII to the Staff Regulations (General Provisions), deemed to be actual service, that is to say service provided within the Communities, with all the attendant legal effects. The applicant therefore takes the view that the Commission ought to have taken into account his period of service in the national administrations and that, by failing to do so, has acted unlawfully.

The applicant also claims that the contested decision disregards the principle of non-discrimination and the Community rules on freedom of movement of persons.

Action brought on 24 January 2002 by Abraham Dekker against Europol

(Case T-12/02)

(2002/C 68/37)

(Language of the case: Dutch)

An action against Europol was brought before the Court of First Instance of the European Communities on 24 January 2002 by Abraham Dekker, residing in Dordrecht (Netherlands), represented by Gerrit Pieter Jongeneel and Serge Alexsander Ray, lawyers.

The applicant claims that the Court should:

- annul the decision of the Director of Europol of 15 June 2001;
- order that the applicant be compensated for the damage suffered by him, to be specified in greater detail (relating to remuneration, invalidity and harm to his reputation);
- order Europol to pay the costs.

Pleas in law and main arguments

The contested decision prejudices the applicant, inasmuch as his contract was extended for only six months instead of one year, as should normally be the case. According to the applicant, that extension of the contract was wrongly used as a means of assessing his performance. However, such an assessment must be carried out on the basis of Articles 2, 23 to 29 and 88 of the Staff Regulations applicable to Europol employees⁽¹⁾. According to the applicant, however, there has never been a negative evaluation of his skills on the basis of those articles.

The applicant further pleads the absence of an adequate statement of reasons for the contested decision, inasmuch as the reasons given are not supported in any way, or are even clearly incorrect. Moreover, according to the applicant, a period of six months for the extension of his contract is contrary to Article 6 of the Staff Regulations. Given that the length of the applicant's initial contract was one year, it should likewise have been extended for a minimum of one year. Lastly, the applicant pleads violation of the principle of non-discrimination, inasmuch as he is the only official whose contract has not been extended for a minimum of one year.

⁽¹⁾ Council Act of 3 December 1998 laying down the staff regulations applicable to Europol employees (OJ C 26, 30.1.1999, p. 23).