

The applicant claims that the Court should:

1. annul the Commission's decision of 5 April 2004 to appoint the applicant a probationary official in so far as it does not grade him on recruitment at grade A6 and was adopted without considering the possibility of allowing him additional seniority in grade in accordance with Article 32 of the Staff Regulations and Article 4 of the internal directives of 11 October 1984;
2. order the Commission to pay the costs.

Pleas in law and main arguments

The applicant in this case objects to his grading as a probationary official in the JRC Directorate General at grade A7 at the time of his appointment.

In that regard, he alleges infringement both of Articles 31 and 32 of the Staff Regulations and of the internal directives of 11 October 1984 on the fixing of the grade and step of staff, and more specifically that of officials in the scientific and technical services who occupy posts paid from appropriations in the research budget.

Having regard to his claims, the applicant maintains *inter alia* that, at the time of his recruitment as an official, he already had proof of more than eight years of professional experience qualifying for additional seniority.

Action brought on 17 February 2005 by Jörn Sack against the Commission of the European Communities

(Case T-66/05)

(2005/C 106/67)

(Language of the case: German)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 17.02.2005 by Jörn Sack, Tervuren (Belgium), represented by U. Lehmann-Brauns and D. Mahlo, lawyers.

The applicant claims that the Court should:

- set aside the decisions on the assessment of his remuneration from May 2004 to February 2005 due to a breach of the principle of equal treatment and reassess his remuneration for those months with due regard to that principle;

- set aside the negative decision of the Director-General of the Directorate General for Administration of 26.11.2004 concerning the applicant's complaint of 21.6.2004;
- order the defendant to pay the costs of the proceedings.

Pleas in law and main arguments

The applicant was an official in the Legal Service of the Commission in grade A*14. Due to his special function within the Legal Service he applied for recognition as a middle manager with consequent entitlement to the increments prescribed in Articles 44(2) and 46 of the Staff Regulations and in Article 7(4) of Annex XIII thereto.

In support of his claim, the applicant argues that the decision rejecting his complaint was formally deficient in that it was drawn up exclusively in English, although the applicant's first complaint was written in German and that it infringed Article 253 EC by not addressing the wholly individual nature of his complaint.

The applicant further complains of an infringement of the general principle of equal treatment in the assessment and grading of his job. The applicant argues that his duties and responsibilities were on a par with those entrusted to the Head of Unit. The fact that his successor was granted higher-grade pay constituted a further infringement of the principle of equal treatment.

Action brought on 15 February 2005 by Aytan's Manufacturing Company (UK) Limited against the Office for Harmonisation in the Internal Market (Trade Marks and Designs)

(Case T-67/05)

(2005/C 106/68)

(Language in which the application was lodged: English)

An action against the Office for Harmonisation in the Internal Market (Trade Marks and Designs) was brought before the Court of First Instance of the European Communities on 15 February 2005 by Aytan's Manufacturing Company (UK) Limited, established in London (United Kingdom) represented by S. Malynicz, Barrister and M. J. Gilbert, Solicitor.

Criminal Clothing Limited, established in Poole (United Kingdom) was also a party to the proceedings before the Board of Appeal.

The applicant claims that the Court should: