The applicant claims that the Court should:

— annul the decision adopted by the Authority Responsible for Concluding Contracts of Employment on 21 March 2005 (notified on 22 March 2005 and received on 24 March 2005) by which it dismissed the applicant's application of 23 November 2004, reclassified as a claim, against the decision fixing the grade and remuneration determined for the applicant in his capacity as contract staff under the terms of the contract signed on 23 August 2004;

— in so far as necessary, annul also the original decision, by which the grade and remuneration were fixed for the applicant in his capacity as contract staff under the terms of the contract signed on 23 August 2004;

— order the defendant to pay EUR 25 000 by way of damages, subject to an increase or decrease or further specifications;

— order the defendant to pay the costs.

Pleas in law and main arguments

The applicant, formerly of the auxiliary staff (Category D, Group VIII, Grade 4) who, following his appointment as a member of the contract staff, had his remuneration reduced whilst his duties remained unchanged, challenges the decision of the administrative authority fixing his grade and remuneration as a member of the contract staff, in Function Group I, grade 1, step 1.

The applicant puts forward the following pleas in law in support of his application:

— infringement of Articles 3a(1)(a) and Article 80(2) and (3) of the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities (CEOS) and a manifest error of assessment in that the applicant, at the time of his appointment as a member of the contract staff, was graded in a function group which is not commensurate with the description of his qualifications or the actual tasks to which he is assigned;

— infringement of Article 80(3) of the CEOS in the procedure followed to select posts likely to be filled by contract staff and to define the function groups to which those posts would be assigned, in that that work was carried out by a task force, the composition and method of operation of which have not been disclosed and cannot be verified, whereas the Staff Regulations require that the Staff Regulations Committee be consulted;

— infringement of the principle of non-discrimination, in that, because of the contested decision, the applicant has been required to perform the same functions as those to which he been assigned earlier, for much lower remuneration and in a context of total uncertainty, whereas identical functions are performed within the Commission by Community officials enjoying the benefits of the Staff Regulations, a high degree of security of employment and considerably higher remuneration.

Action brought on 6 July 2005 by Fachvereinigung Mineralfaserindustrie e.V. Deutsche Gruppe der EURIMA — European Insulation Manufacturers Association against the Commission of the European Communities

(Case T-254/05)

(2005/C 229/57)

(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 6 July 2005 by Fachvereinigung Mineralfaserindustrie e.V. Deutsche Gruppe der EURIMA — European Insulation Manufacturers, Düsseldorf (Germany), represented by T. Schmidt-Kötters, lawyer.

The applicant claims that the Court should:

— annul the Commission's decision of 11 February 2005 on State aid N 260b/2004 — Germany — Extension of the support programme on insulating material from renewable raw materials (State aid N 694/2002 — Germany);

— order the Commission to pay the costs of the proceedings.

Pleas in law and main arguments

The applicant objects to the Commission's decision of 11 February 2005 in Case C(2005) 379 on State aid N 260/b/2004 — Germany. In the contested decision the Commission considered the extension of the support programme on insulating material from renewable raw materials (State aid N 694/2002) to be compatible with the EC Treaty.

The applicant claims that the contested decision infringes the duty to state reasons laid down in Article 253 EC since no reasons are given as to why the measure is clearly beneficial to the environment. In addition, the applicant complains that the contested decision does not address the arguments regarding the original decision raised in the proceedings pending before the Court of First Instance.

The applicant claims furthermore that the contested decision refers to an original decision which is invalid because it infringes essential procedural requirements.

The applicant, further submits that, in considering the measure to be clearly beneficial to the environment and thus compatible with the common market in accordance with Article 87(3)(c) EC, the Commission's decision is based on an inadequate establishment of the facts.

Finally, the applicant complains that the contested decision discriminates against the insulating material referred to by the Commission as 'traditional', in particular mineral fibre insulation material, and also insulating material from renewable raw materials which do not possess the natureplus quality mark, without any objective reason. According to the applicant, the decision thereby infringes the principle of proportionality and the principle of non-discrimination and is thus contrary to fundamental principles of Community law.

Action brought on 1 July 2005 by Fernanda Ehrhardt-Avancini against the European Parliament

(Case T-256/05)

(2005/C 229/58)

(Language of the case: French)

An action against the European Parliament was brought before the Court of First Instance of the European Communities on 1 July 2005 by Fernanda Ehrhardt-Avancini, residing in Luxembourg, represented by Georges Vandersanden, Laure Levi and Chiara Ronzi, lawyers.

The applicant claims that the Court should:

1. annul the Parliament's decision rejecting the claim for restitution of the financial and/or other value of 207 hours 30 minutes which were deducted from her annual leave and then from her salary/pension;

2. award default interest;

3. order the Parliament to pay the costs.

Pleas in law and main arguments

At the time the relevant facts arose, the applicant was an official at the European Parliament. The European Parliament sent a letter on 21 July 2004 informing her that 207 hours and 30 minutes would be deducted from her annual leave on account of her absence on medical grounds from 28 May to 11 July 2004. The Parliament's decision was made as a result of the findings of an examination of the applicant by an independent doctor, in accordance with Article 59 of the Staff Regulations, which indicated that the applicant was fit to return to her duties. A subsequent claim by the applicant seeking the restitution of the financial and/or other value of the hours deducted was also rejected by the Parliament.

In support of her application, the applicant claims the infringement of Article 59 of the Staff Regulations and the internal rules of the Parliament on the ground that she was subjected to an examination by an independent doctor without a prior medical examination by the institution's medical officer. She also claims the infringement of the duty to give a statement of reasons, the rights of the defence and the principle '*patere quam ipse legem fecisti*'.

Action brought on 30 June 2005 by Eric Voigt against the Commission of the European Communities

(Case T-258/05)

(2005/C 229/59)

(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 30 June 2005 by Eric Voigt, residing in Orange (France), represented by Bernard Autric, lawyer.

The applicant claims that the Court should:

1. order the European Commission to accept his claim of 11.07.2002 for recognition of his illness as an occupational disease;

2. order the Commission to pay interest from 28.05.2004;