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| <p>3. order the European Commission to answer his questions of 20.01.2004 sent to the Office of Investigation and Discipline (IDOC);</p> <p>4. order the Commission to give the reason for its decision to withdraw the decision initiating disciplinary proceedings against an official (Mr C);</p> <p>5. order the payment of damages and interest in the amount of EUR 1 000 000;</p> <p>6. order the defendant to pay the costs.</p> | <p>3. in the alternative, declare that the appointment must be made at grade A*8;</p> <p>4. in the alternative, declare that the appointment must be made at grade A*7;</p> <p>5. order the Commission to place the applicant in the financial position he would be in if he had been correctly classified, i.e. pay the difference;</p> <p>6. order the Commission to pay the costs.</p> |
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Pleas in law and main arguments

The applicant seeks the recognition of his psychological and emotional problems as an occupational disease within the meaning of Article 73 of the Staff Regulations. He claims infringement of Article 26 of the Staff Regulations, together with the infringement of rights of the defence, the principle of the protection of legitimate expectations, transparency and legal certainty. He also claims a procedural error.

Pleas in law and main arguments

By the present action, the applicant contests his appointment at grade A*6 upon recruitment by the defendant in October 2004.

Action brought on 14 July 2005 by Peter Strobl against the Commission of the European Communities

(Case T-260/05)

(2005/C 229/60)

(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 14 July 2005 by Peter Strobl, residing in Greifenberg-Beuern (Germany), represented by H.-J. Rüber, lawyer, with an address for service in Luxembourg.

The applicant claims that the Court should:

1. annul the decision of the Appointing Authority of the Commission of 7 October 2004 with regard to the inclusion of the applicant in grade A*6;
2. declare that the appointment must be made at grade A*10;

The applicant bases his claim on three grounds. Firstly, he submits that there is infringement of the principle of legitimate expectation. In the applicant's view, the notice itself, the procedure followed on similar notices and the rules of the old Staff Regulations in force at the time of the notice raised in the applicant the well-founded expectation that, were he to be recruited, it would be at grade A7/A6 or their equivalent under the new Staff Regulations, namely grades A*8 or A*10 in accordance with Article 12 of Annex XIII. His recruitment at grade A*6 on the basis of Article 12 of Annex XIII to the new Staff Regulations was unlawful. The consequence to the applicant of the application of the new Staff Regulations by the Appointing Authority is an infringement of the general requirement of transparency, fails to satisfy the requirement of certainty and does not comply with the principle that measures should not be retroactive.

As the second ground of his complaint, the applicant submits that there is discrimination against him because of his age. His classification at grade A*6 ought to have been made without any reference to the age of the applicant.

Finally, the applicant submits that application of Article 12 of Annex XIII to the new Staff Regulations leads to inequality of treatment of the applicant in comparison with colleagues from other selection competitions and in other job placements who are placed in a higher grade.
