

Action brought on 13 July 2005 by Daniele Baraldi and Others against the Commission of the European Communities

(Case T-283/05)

(2005/C 229/70)

(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 13 July 2005 by Daniele Baraldi, resident in Alkmaar (Netherlands), Jacobus De Bruijn, resident in Ispra (Italy), and Christel Schilleger-Musset, resident in Brebbia (Italy), represented by Georges Vandersanden and Laure Levi, lawyers.

The applicants claim that the Court should:

- set aside the grade classification laid down for the applicants in the decisions relating to their recruitment in so far as that classification is based on Article 12(3) of Annex XIII to the new Staff Regulations;
- consequently, reconstruct the applicants' career bracket (including the assessment of their experience in the grade thereby rectified, and of their promotion and pension rights, which were determined, in particular, in accordance with Article 21 of Annex XIII to the Staff Regulations), to reflect the grade in which they should have been appointed on the basis of the notice of competition pursuant to which they were placed on the recruitment reserve list, either that stated in the competition notice, or in the equivalent grade in accordance with the new Staff Regulations (and in the appropriate step in accordance with the rules applicable before 1 May 2004), as from the appointment decision;
- award the applicants payment of default interest, on the basis of the rate fixed by the European Central Bank, on the total sum corresponding to the difference between the salary for the grade laid down in the recruitment decision and that for the grade to which they should have been entitled up to the date of the decision as to their correct grade;
- order the Commission to pay the entire costs.

Pleas in law and main arguments

The pleas in law and the main arguments raised by the applicants are identical to those raised in Case T-58/05 *Centeno Mediavilla and Others v Commission* ⁽¹⁾.

⁽¹⁾ OJ C 93 of 13.4.2005, p. 38.

Action brought on 14 July 2005 against the Commission of the European Communities by Christos Michail

(Case T-284/05)

(2005/C 229/71)

(Language of the case: Greek)

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 Christos Michail, resident in Brussels, Belgium, represented by Charalambos Meidanis, lawyer.

The applicant claims that the Court should:

- annul the contested acts/decisions;
- order that financial reparation be made for non-material damage in the amount of EUR 90 000 (ninety thousand);
- make an order as to costs as laid down by law.

Pleas in law and main arguments

The applicant, who is a Commission official, seeks the annulment of his career development report for the period from 1.4.2003 to 31.12.2003 and an order that financial reparation be made for the non-material damage which he claims to have suffered. He claims in support of his application that the report in question did not contain a description of his post, since, moreover, as he claims, during the period in question he simply did not occupy any post. He also claims that the report in question did not even contain a description of his individual objective goals to be attained and did not contain any reasoning for the points he was given; it was drawn up by a body and person having no competence to do so; it was not drawn up on the basis of his actual work but was based on the assessments of an earlier staff report. In the light of all the foregoing the applicant claims that there was infringement of Article 43 of the Staff Regulations of Officials and all the implementing provisions, infringement of Article 12a of those Staff Regulations, which refers to psychological harassment, manifest error of assessment as regards the facts, non-existent or otherwise insufficient reasons for the acts challenged, misuse of powers on the part of the Commission and infringement of the principle of fair and equal treatment of staff and the principle of sound administration.