

**Action brought on 10 October 2005 — Wilms v Commission**

(Case T-386/05)

(2006/C 10/49)

*Language of the case: French***Parties***Applicant:* Günter Wilms (Brussels, Belgium) (represented by: M. van der Woude and V. Landes, lawyers)*Defendant:* Commission of the European Communities**Form of order sought**

The applicant claims that the Court should:

- annul the formal proposal of the Director General of the Legal Service to award the applicant two Directorate-General priority points for the 2004 promotion exercise, which was confirmed and made definitive by the decision of the Director General rejecting his internal appeal;
- annul the decision of the Director General of Personnel and Administration not to award him any 'Promotion Committee for additional activity in the interests of the institution' (PPCP) special priority points for the 2004 promotion exercise;
- annul the decisions of the Director General of Personnel and Administration to award him a total of 17 points for the 2004 promotion exercise and a total of 36 points for the purpose of promotion to Grade A5 during that exercise; the list of officials who were awarded PPCPs; the merit list of Grade A6 officials for the 2004 promotion exercise after Promotion Committees; the list of officials promoted to Grade A5 for the 2004 promotion exercise and, in any event, the decision not to enter his name in those lists
- annul, so far as may be necessary, the decision rejecting his complaint;
- order the defendant to pay the costs.

**Pleas in law and main arguments**In support of his action, the applicant advances similar pleas to those advanced in Case T-311/04 <sup>(1)</sup>.

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<sup>(1)</sup> OJ C 262, 23.10.2004, p. 44

**Action brought on 13 October 2005 — Chatziioannidou v Commission**

(Case T-387/05)

(2006/C 10/50)

*Language of the case: French***Parties***Applicant:* Eleni Chatziioannidou (Auderghem, Belgium) (represented by: S.A. Pappas, lawyer)*Defendant:* Commission of the European Communities**Form of order sought**

The applicant claims that the Court should:

- annul the decision of 8 July 2005 of the Appointing Authority rejecting the complaint brought by the applicant against a decision regarding the transfer of her pension rights to the Community scheme;
- order the defendant to pay the costs.

**Pleas in law and main arguments**

The applicant, an official of the Commission, applied for the transfer of her pension rights, acquired in Greece before she took up her post at the Commission, to the Community scheme. By her action, she criticises the method of calculation of the number of annuities to be taken into account according to the Community pension scheme, on the basis of the capital sum transferred. Specifically, the applicant submits that, before the introduction of the euro, the Commission converted the capital sum transferred in a currency other than the Belgian Franc not on the basis of the rate applicable on the date of calculation but at an average exchange rate which was intended to reflect the currency fluctuations over the period of payment of the contributions. However, following the transitional period for the definitive introduction of the euro, that is to say from 1 January 2002, the Commission no longer uses that method of calculation but takes into account the amount in euro transferred by the national funds.

The applicant states that the discontinuation of the average exchange rate method leads, in her case, to a considerable reduction in the number of annuities with which she was credited. On that basis, she claims breach of Council Regulation No 1103/97, which provides that the introduction of the euro is not to have the effect of altering any term of a legal instrument. She also claims breach of the principle of non-discrimination, since, depending on whether the transfer request was made before or after the introduction of the euro, officials in exactly the same position are not awarded the same number of annuities under the Community scheme.