

Form of order sought

The applicant claims that the Court should:

- declare inapplicable, within the meaning of Article 241 EC, Article 12 of Annex XIII to the Staff Regulations;
- annul the decision by which the appointing authority (AIPN) implicitly dismissed the applicant's complaint against Decision No 000617 of 17 March 2005;
- annul only the part of that decision in which the AIPN placed the applicant in Grade A*6, first step, instead of A*8, first step;
- order the defendant to replace the contested part of that decision with a part placing the applicant, with retroactive effect, in Grade A*8, first step;
- order the defendant to pay the applicant all the amounts which he did not receive owing to the unlawfulness of the contested decisions, including interest;
- order the defendant to pay the costs.

Pleas in law and main arguments

The applicant, who was included on the reserve list for Competition EUR/A/155/2000 for Grades A6 and A7, was subsequently recruited by the Commission at Grade A*6 after the new Staff Regulations had come into force.

By his application he claims primarily that the decision determining his grade infringes Article 31 of the Staff Regulations.

He goes on to submit that, in any event, that decision is unlawful, in so far as its legal basis, Article 12 of Annex XIII to the Staff Regulations, is unlawful on the ground that it infringes the following principles: legal certainty, the protection of legitimate expectations, non-discrimination, equal treatment, reasonableness and proper administration. Finally and in the alternative, the applicant adds that even if the protection of legitimate expectations is not always absolute, any exception thereto and/or derogation therefrom must be duly justified, a condition which was not fulfilled in this case.

Action brought on 23 January 2006 — B v Commission

(Case F-7/06)

(2006/C 96/55)

(Language of the case: French)

Parties

Applicant: B (Brussels, Belgium) (represented by: S. Rodrigues and A. Jaume, lawyers)

Defendant: Commission of the European Communities

Form of order sought

The applicant claims that the Court should:

- annul the decision of the Appointing Authority of 10 October 2005 dismissing the applicant's complaint taken in conjunction with the decision of the Appointing Authority of 26 April 2005 refusing to grant the applicant an expatriation allowance;
- order the defendant to pay the applicant an expatriation allowance, as from the date of taking up her post;
- order the defendant to pay interest for late payment, as from the decision to be taken;
- order the defendant to pay the costs.

Pleas in law and main arguments

The applicant, an official of the Commission, challenges the decision which definitively establishes her rights by which the defendant refused her an expatriation allowance.

In support of her action, she pleads infringement of Article 4(1)(a) of Annex VII to the Staff Regulations. She also raises a plea of unlawfulness to the effect that application of the criterion of nationality, set out in the first indent of that provision, to officials who have both the nationality of the Member State where they are employed and that of another Member State, infringes the principles of non-discrimination and equal treatment.

Next, the applicant claims that, in any event, she fulfils the condition of residence under the second indent of the provision in question.

In the alternative, the applicant pleads infringement of Article 4(1)(b) of Annex VII to the Staff Regulations, in so far as the contested decision does not take account of the fact that the applicant satisfies both the criterion of nationality and the criterion of residence cited in that provision.

In the further alternative, the applicant pleads infringement of Article 4(3) of Annex VII to the Staff Regulations, in so far as that provision cannot be interpreted as requiring an official with dual nationality to renounce that of the Member State where he is employed in order to be entitled to an expatriation allowance.

Action brought on 5 January 2006 — Daniel André v Commission of the European Communities

(Case F-10/06)

(2006/C 96/56)

(Language of the case: French)

Parties

Applicant(s): Daniel André (Brussels, Belgium) (represented by: M. Jourdan, avocat)

Defendant: Commission of the European Communities

Form of order sought

- Annul the Commission decision of 6 October 2005 refusing to pay the applicant, in respect of a service rendered for and at the request of the Court of Justice on 12 and 13 January 2005, the flat-rate allowance laid down by Article 7 of the Agreement on working conditions and financial terms for contract conference interpreters recruited by the institutions of the European Union;
- Order the defendant to pay compensation for the loss suffered by the applicant as a result of the contested decision, namely to pay the sum of EUR 241.99 corresponding to the allowance which should have been paid, together with interest thereon from the date of request;
- Order the defendant to pay the costs.

Pleas in law and main arguments

The applicant, a contract conference interpreter, renders periodic services to various Interpretation services within the Community institutions. His services are supplied under contracts fixing the days and the place in which the interpretation is required. Those contracts are governed, as regards the financial aspects, by the Agreement on working conditions and financial terms for contract conference interpreters recruited by the institutions of the European Union.

In the present case, the applicant challenges the Commission decision refusing to pay him the flat-rate travel allowance laid

down by Article 7 of that agreement and set out in detail in the 'rules for implementing' certain provisions of that agreement annexed thereto.

In his application, the applicant challenges the defendant's interpretation of those provisions according to which the business trip must cause a loss of earnings in order for the allowance in question to be paid. Furthermore, the Commission was wrong to find that, as the applicant had already worked for a Community institution on 10 and 11 January 2005, 12 January 2005 was not the first day of his contract.

The applicant claims that the text of the agreement does not, even impliedly, contain the additional conditions required by the defendant, which would wrongfully alter the scope of the agreement.

Lastly, the applicant submits that the fact of there being a succession of contracts with one or more Community institutions does not enable it to deny him the benefit of the allowance in question.

Action brought on 9 February 2006 — Zuleta de Reales Ansaldo v Court of Justice

(Case F-13/06)

(2006/C 96/57)

(Language of the case: French)

Parties

Applicant: Leticia Zuleta de Reales Ansaldo (Luxembourg, Luxembourg) (represented by: G. Vandersanden, lawyer)

Defendant: Court of Justice of the European Communities

Form of order sought

The applicant claims that the Court should:

- Annul the decision of the appointing authority of the Court of Justice of 4 May 2005 appointing the applicant and grading her at grade A*7, step 2;
- Reinstate the applicant at the grade (A*10, step 2) in which she should as a matter of course have been graded in accordance with the provisions in the notice of competition CJ/LA/25 in which she was a successful candidate;
- Wholly restore the applicant's rightful career prospects with retrospective effect from the date on which she was graded at the grade and step thus adjusted, including interest for late payment;