

- complete reinstatement of the applicant's career with effect retrospective to the date of his being classified in the grade and step thus corrected, including the payment of default interest;
- an order that the Commission of the European Communities should pay the costs.

Pleas in law and main arguments

On 7 November 2003 the Commission published a notice of vacancy for a director's post at Grade A2, pursuant to Article 29(2) of the Staff Regulations. The applicant, a head of unit in Grade 3, step 7, occupying that post as a locum tenens, decided to apply for it.

By decision of 18 May 2005 he was appointed to the vacant post and classified in Grade A*14, step 2, the date on which that was to take effect being fixed at 16 September 2004.

In his action the applicant argues that this classification is lower than Grade 2, now A*15, which appeared in the notice of vacancy. What is more, the classification is also lower than that enjoyed by the applicant before his appointment to the director's post, while he was head of unit. That result is not consistent with the fact that a director's post entails higher duties and responsibilities.

The applicant considers that his classification is contrary to Articles 2(1) and 5 of Annex XIII to the Staff Regulations. More than one legal principle has also been infringed: the principle of non-discrimination, the principle of correspondence of grade to post, set out in Article 7(1) as an essential principle guaranteeing equal treatment of officials, the principles of legal certainty and protection of legitimate expectations, and the principles of good administration and the duty to have regard to the interests of officials. In addition, there is an infringement of the right to reasonable career prospects and of the interests of the service.

In the alternative, the applicant claims that Article 12(3) of Annex XIII to the Staff Regulations is unlawful.

Action brought on 6 March 2006 — Vienne and Others v European Parliament

(Case F-22/06)

(2006/C 108/59)

Language of the case: French

Parties

Applicants: Philippe Vienne (Bascharage, Luxembourg) and Others (represented by: G. Bounéou and F. Frabetti, lawyers)

Defendant: European Parliament

Form of order sought

- annul the explicit decision of 14 November 2005 whereby the European Parliament refused to afford the applicants assistance under Article 24 of the Staff Regulations;
- order the European Parliament to make good all the loss thereby sustained by the applicants;
- order the European Parliament to pay the costs;

Pleas in law and main arguments

The applicants, who are all officials or other servants of the European Parliament, had sought to have their pension rights acquired in Belgium transferred to the Community system, in accordance with the provisions of a Belgian law enacted in 1991. In 2003 Belgium enacted a new law which, in the applicants' submission, provides more favourable conditions for new transfers of that type. As the applicants had already transferred their rights, however, they were unable to take advantage of the provisions of the Law of 2003.

The applicants therefore submitted a request seeking to obtain the assistance provided for in Article 24 of the Staff Regulations. The European Parliament, which had no intention of assisting its officials and temporary servants to secure those transfers, rejected their request by decision of 14 November 2005.

By their action, the applicants contest that decision, which they treat as a refusal to afford assistance, in breach of Article 24 of the Staff Regulations. In addition to that article, they rely in support of their claims on a breach of the duty to have regard to the welfare of the staff, of the principle of non-discrimination, of the prohibition of arbitrary process, of the obligation to state reasons, of legitimate expectations and of the rule 'patere legem quam ipse fecisti' and on a misuse of powers.

Action brought on 3 March 2006 — Abad-Villanueva and Others v Commission

(Case F-23/06)

(2006/C 108/60)

Language of the case: French

Parties

Applicants: Roberto Abad-Villanueva and Others (represented by: T. Bontinck and J. Feld, lawyers)

Defendant: Commission of the European Communities