

The Tribunal is asked to

- annul the decisions notifying the applicants of their change of category, in so far as those decisions allocate a grade lower than that which should have been obtained under the provisions of the Staff Regulations, maintain the multiplier coefficient and cancel the applicants' promotion points;
- declare that Article 12 of Annex XIII of the Staff Regulations is unlawful;
- order the Commission of the European Communities to pay the costs.

Pleas in law and main arguments

The applicants were all successful candidates in internal competitions for change of category COM/PA/04 and COM/PB/04, in respect of which notices were published before the date on which the new Staff Regulations entered into force. After that date, they were appointed by the defendant to a higher category, but with the same grade, step and multiplier coefficient as before. By contrast, their promotion points were reset at zero.

In their application, the applicants submit that the appointment decisions infringe Articles 31 and 62 of the Staff Regulations and Article 2(1) and (2) and Article 5(2) of Annex XIII thereto, inasmuch as under those provisions they should have obtained a better grading. The defendant has thus infringed the right of all officials to be recruited to the grade stated in the competition notice, and has discriminated against the applicants as compared with the successful candidates in other competitions giving access to the same categories.

Furthermore, the applicants submit that there is no legal basis which permits the defendant to continue to apply to them the multiplier coefficients laid down by their former categories or to deprive them of the promotion points they have in their 'rucksacks'.

Finally, according to the applicants, the contested decisions also infringe the principles of the protection of legitimate expectations, the protection of acquired rights and equal treatment.

Action brought on 10 March 2006 — Abarca Montiel and Others v Commission**(Case F-24/06)**

(2006/C 108/61)

*Language of the case: French***Parties**

Applicants: Sabrina Abarca Montiel and Others (represented by: L. Vogel, lawyer)

Defendant: Commission of the European Communities

Form of order sought

- Annulment of the decision of the authority authorised to conclude contracts of employment (AACC) of 21 November 2005 rejecting the complaints made by the applicants on various dates between 26 July 2005 and 17 August 2005, criticising the administrative decisions which fixed the grading and remuneration of each of the applicants and also criticising Article 7 of the decision adopted by the College of Commissioners on 27 April 2005 containing the 'General implementing provisions for the transitional measures applicable to staff employed by the Office for Infrastructure in Brussels in the day nurseries and kindergartens in Brussels' (GIP) and Annexes I and II to that decision;
- also, in so far as necessary, annulment of the decisions against which the abovementioned complaints were directed;
- an order that the Commission of the European Communities is to pay the costs.

Pleas in law and main arguments

The applicants, who are currently contract staff working in the day nurseries and kindergartens in Brussels, were already performing the same work under employment contracts subject to Belgian law before they were appointed as contract staff. They dispute their grading and their remuneration fixed by the defendant on their appointment as contract staff.

In the first plea in law of their application, the applicants submit that by application of the GIP and other provisions relating to the Commission's contract staff, they should have been graded in function group III instead of in function group II, in view of their qualifications and their length of service.

In the second plea in law, the applicants complain, *inter alia*, that they have not benefited from the minimum remuneration laid down in Article 6 of the GIP.

In the third plea in law, the applicants claim infringement of Article 2(2) of the Conditions of Employment of Other Servants (CEOS), of the Memorandum of Agreement concluded on 22 January 2002 between the Commission and the delegation of the staff of the day nurseries and kindergartens on contracts governed by Belgian law, of the principle of non-discrimination and of the general principles applicable in social security matters. In particular, calculation of the remuneration to be guaranteed to the applicants should not have taken child allowances into account.

Action brought on 10 March 2006 — Ider and Others v Commission

(Case F-25/06)

(2006/C 108/62)

Language of the case: French

Parties

Applicants: Béatrice Ider and Others (represented by: L. Vogel, lawyer)

Defendant: Commission of the European Communities

Form of order sought

- annulment of the decision of the authority authorised to conclude contracts of employment (AACC) of 21 November 2005 rejecting the applicants' complaints of 26 July 2005 criticising the administrative decisions which fixed the grading and remuneration of each of the applicants and also criticising Article 8 of the decision adopted by the College of Commissioners on 27 April 2005 containing the 'General implementing provisions for the transitional measures applicable to staff employed by the Office for Infrastructure in Brussels in the day nurseries and kindergartens in Brussels' and Annexes I and II to that decision;
- also, in so far as necessary, annul the decisions against which the abovementioned complaints were directed;
- an order that the Commission of the European Communities is to pay the costs.

Pleas in law and main arguments

The applicants, who are currently contract staff working in the day nurseries and kindergartens in Brussels, were already performing the same work under employment contracts subject to Belgian law before they were appointed as contract

staff. They dispute their grading and their remuneration fixed by the defendant on their appointment as contract staff.

In the first plea in law raised in their application, the applicants submit that pursuant to the Memorandum of Agreement concluded on 22 January 2002 between the Commission and the delegation of the staff of the day nurseries and kindergartens on contracts governed by Belgian law, they should have been given a more advantageous grading. Their grading in function group I, at grade I, constitutes a manifest error of assessment and a breach of the principle of non-discrimination, since they were regarded as inexperienced novices when they had a significant length of service.

In the second plea in law, the applicants claim infringement of Article 2(2) of the Conditions of Employment of Other Servants (CEOS), of the abovementioned Memorandum of Agreement, of the principle of non-discrimination and of the general principles applicable in social security matters. In particular, calculation of the remuneration to be guaranteed to the applicants should not have taken child allowances into account.

Action brought on 10 March 2006 — Bertolete and Others v Commission

(Case F-26/06)

(2006/C 108/63)

Language of the case: French

Parties

Applicants: Marli Bertolete and Others (represented by: L. Vogel, lawyer)

Defendant: Commission of the European Communities

Form of order sought

- annulment of the decision of the authority authorised to conclude contracts of employment (AACC) of 21 November 2005 rejecting the applicants' complaints of 26 July 2005 criticising the administrative decisions which fixed the grading and remuneration of each of the applicants and also criticising Article 7 of the decision adopted by the College of Commissioners on 27 April 2005 containing the 'General implementing provisions for the transitional measures applicable to staff employed by the Office for Infrastructure in Brussels in the day nurseries and kindergartens in Brussels' (GIP) and Annexes I and II to that decision;