

Action brought on 25 April 2006 — Martin Avendano and Others v Commission

(Case F-45/06)

(2006/C 143/74)

Language of the case: French

Parties

Applicants: Javier Martin Avendano and Others (represented by: S. Rodrigues and A. Jaume, lawyers)

Defendant: Commission of the European Communities

Form of order sought

- Annul the refusal of the appointing authority to enter the applicants on the list of officials promoted to grades A*10 and B*10 under the 2005 promotion exercise such as those decisions implicitly result from Administrative Notice No 85-2005 of 23 November 2005;
- Inform the appointing authority of the consequences of annulling the contested decisions, and in particular the reclassification of the applicants' grades to grade A*10 with retroactive effect from 1 March 2005 or to grade B*10 with retroactive effect from 1 January 2005, as appropriate;
- In the alternative: (1) request the defendant to acknowledge that the applicants are eligible for promotion to grade A*10 or to grade B*10, as appropriate, on their next promotion and (2) order it to pay compensation for the loss suffered by the applicants as a result of not having been promoted to grade A*10 from 1 March 2005 or to grade B*10 from 1 January 2005, as appropriate;
- Order the defendant to pay the costs.

Pleas in law and main arguments

The applicants are officials of the old grades A7 or B2. Following the entry into force of the new Staff Regulations, their grades were replaced by grades A*8 and B*8 respectively, pursuant to Article 2 of Annex XIII to the Staff Regulations. They maintain that their careers have been slowed down because the new system of classification provides for the inser-

tion of the additional grades A*9 and B*9 between the old grades A7 (now A*8) and A6 (now A*10) and between the old grades B2 (now B*8) and B1 (now B*10).

In support of their application, the applicants submit that the application in their case of Article 2 of Annex XIII to the Staff Regulations, without any specific measure to compensate for the loss suffered in terms of their careers, is unlawful. That plea of illegality is founded, first, on breach of the principle of equivalence between the old and new career structures, a principle laid down by Article 6 of the Staff Regulations. Pursuant to that provision, the appointing authority should have entered the applicants on the list of officials promoted to grades A*10 and B*10 under the 2005 promotion exercise.

The applicants also claim to have been victims of a breach of the principle of equal treatment by comparison with their colleagues in grades A7 and B2 who were promoted before the entry into force of the new Staff Regulations.

Lastly, the applicants allege, first, breach of the legitimate expectation created on their part by the assurances of the Council and Commission that the new career structure would not lead to any deterioration in their working conditions and, second, breach of their acquired rights and misuse of powers.

Action brought on 4 May 2006 — Skareby v Commission

(Case F-46/06)

(2006/C 143/75)

Language of the case: French

Parties

Applicant: Carina Skareby (Bichkek, Kyrgyzstan) (represented by: S. Rodrigues and Y. Minatchy, lawyers)

Defendant: Commission of the European Communities