

### Pleas in law and main arguments

In support of his action, the applicant relies on:

1. The effects for the 2004 appraisal exercise of a falsification of his staff report relating to the 2003 exercise,
2. Breach of the principles of legal certainty for staff, equal treatment of officials and sound administration in the application to the applicant of the new appraisal system developed by the defendant,
3. The fact that one of his colleagues was unlawfully asked to carry out more senior duties on a temporary basis,
4. The fact that one of his hierarchical superiors carried out his duties unlawfully,
5. That superior's lack of integrity,
6. Several instances of misuse of powers and a breach of the Treaty.

### Action brought on 3 May 2006 — Lebedef-Caponi v Commission

(Case F-50/06)

(2006/C 154/62)

*Language of the case: French*

### Parties

*Applicant:* Maddalena Lebedef-Caponi (Senningerberg, Luxembourg) (represented by: G. Bounéou and F. Frabetti, lawyers)

*Defendant:* Commission of the European Communities

### Form of order sought

- Annul the applicant's career development report for the period 1.7.2001 to 31.12.2002;
- order the Commission of the European Communities to pay the costs.

### Pleas in law and main arguments

In support of her action, the applicant puts forward five pleas in law, alleging:

- first, breach of Article 26 of the Staff Regulations;
- second, breach of the general implementing provisions of Article 43 of the Staff Regulations;
- third, breach of the principle of the prohibition of arbitrary process and of the principle of the prohibition of misuse of powers and breach of the obligation to state reasons;

- fourth, breach of the principle of protection of legitimate expectations and of the rule *patere legem quam ipse fecisti*;
- fifth, breach of the duty to have regard to the welfare of officials.

### Action brought on 30 April 2006 — Claudia Gualtieri v Commission of the European Communities

(Case F-53/06)

(2006/C 154/63)

*Language of the case: Italian*

### Parties

*Applicant:* Claudia Gualtieri (Brussels, Belgium) (represented by: P. Gualtieri and M. Gualtieri, Lawyers)

*Defendant:* Commission of the European Communities

### Form of order sought

- Annulment of the decision adopted by the Director-General of Personnel and Administration on 30 January 2006 rejecting complaint No R/783/05, registered on 17 October 2005, seeking annulment of the decision adopted by the DG ADMIN, communicated on 5 September 2005, by which the applicant's claim that she was entitled to the full daily subsistence allowance was rejected;
- annulment of the decision communicated on 5 September 2005;
- annulment of all of the defendant's communications received each month relating to the determination of the allowance in question;
- an order that the defendant pay the applicant, with effect from 1 January 2004 until 31 December 2005, the daily subsistence allowance and the monthly allowance provided for by the Commission Decision on Seconded National Experts (SNEs);
- in the alternative, an order that the defendant pay the applicant the abovementioned allowances with effect from 2 February 2005, the date of the applicant's de facto separation from her husband and the date when she ceased to live with him, or, in the further alternative, from the 4 July 2005, the date when the divorce petition was lodged with the District Court Brussels, until 31 December 2005;
- order the defendant to pay the costs.

### Pleas in law and main arguments

The applicant, a national expert on secondment to the Commission, complains that it was unlawful to reduce to 25 % the daily subsistence allowance provided for under the rules on SNEs and to fail to pay the further monthly allowance also provided for under those rules.