

- (2) infringement of the principle of the prohibition of arbitrary process and of the principle of the prohibition of abuse of powers, and infringement of the duty to give reasons and of the rights of the defence;
- (3) infringement of the duty to have regard for the welfare and/or interests of officials.

Action brought on 30 June 2006 — Verheyden v Commission

(Case F-72/06)

(2006/C 190/69)

Language of the case: French

Parties

Applicant: Luc Verheyden (Angera, Italy) (represented by: E. Boigelot, lawyer)

Defendant: Commission of the European Communities

Form of order sought

- order the production of the files concerning the applicant and sealed by the European Anti-Fraud Office (OLAF) and all the evidence and documents collected by OLAF against the applicant;
- order the production of the warrant of the OLAF inspectors;
- order the production of any OLAF report concerning the investigation, whether or not sent to the Italian judicial authorities, including the final report of the internal investigation;
- annul the investigation into the applicant;
- annul the Note from OLAF notifying the investigation and providing information to the Italian judicial authorities and the despatch of the reports of the investigation to the Italian judicial authorities;
- annul the intermediate and final reports of the investigation;
- annul the implicit decisions rejecting the applicant's application and complaint;
- annul all measures which may be taken subsequently to the bringing of this action following and/or relating to those decisions;

- order the defendant to pay damages, assessed on an equitable basis at EUR 30 000, subject to increase and/or decrease in the course of the proceedings;
- order the defendant to pay the costs.

Pleas in law and main arguments

In support of his action, the applicant, in addition to putting forward very similar pleas to those raised in connection with Case F-5/05 ⁽¹⁾ and raising the same pleas of unlawfulness as invoked in that case, also contends that Council Regulation (EC, Euratom) No 723/2004 of 22 March 2004 amending the Staff Regulations of officials of the European Communities and the Conditions of Employment of other servants of the European Communities ⁽²⁾ is unlawful as to the part which inserts Article 1 of Annex IX to the Staff Regulations.

⁽¹⁾ OJ C 82 of 2.4.2005 (case initially registered before the Court of First Instance of the European Communities under number T-22/05 and transferred to the European Civil Service Tribunal by order of 15.12.2005).

⁽²⁾ OJ L 124 of 27.4.2004, p. 1.

Action brought on 3 July 2006 — Van Neyghem v Commission

(Case F-73/06)

(2006/C 190/70)

Language of the case: French

Parties

Applicant: Kris Van Neyghem (Vissenaken, Belgium) (represented by: S. Rodrigues, A. Jaume and C. Bernard-Glanz, lawyers)

Defendant: Commission of the European Communities

Form of order sought

- Annul the director of EPSO's decision of 1 June 2005 not to admit the applicant to the oral test in competition EPSO/A/19/04;
- Order the defendant to pay the applicant the symbolic sum of one euro, by way of compensation for his non-material damage;
- Order the defendant to pay the applicant an amount to be left to the Tribunal's discretion, by way of compensation for his material damage, consisting of his loss of the opportunity of being appointed to a higher grade;
- Order the defendant to pay the costs.