

**Action brought on 29 September 2006 — Spee v Europol**

(Case F-121/06)

(2006/C 326/169)

*Language of the case: Dutch***Parties**

*Applicant:* David Spee (Rijswijk, Netherlands) (represented by: D. C. Coppens, lawyer)

*Defendant:* European Police Office (Europol)

**Form of order sought**

- Annul Europol's decision of 5 July 2006;
- Order Europol to grant two incremental points to the applicant with effect from 1 November 2005;
- Order Europol to pay the costs.

**Pleas in law and main arguments**

The applicant challenges the decision to grant him only an increase in salary corresponding to one of the incremental points referred to in Article 29 of the Staff Regulations applicable to Europol employees, when, in his opinion, he was entitled to an increase corresponding to two increments.

He submits that Europol took into consideration not only the assessment provided for in Article 29 of the Staff Regulations of Europol, but also the assessment provided for in Article 28 of those same Regulations. By acting in that way, the administration retroactively applied the document of 24 March 2006 'Policy on the Determination of Salary Scale and Incremental Points of Europol Staff' in breach of the principle of legal certainty.

Furthermore, the applicant claims that, even if the administration was entitled to take into consideration the two assessments, the method applied is arithmetically incorrect and disadvantageous for the worker.

**Action brought on 23 October 2006 — Timmer v Court of Auditors**

(Case F-123/06)

(2006/C 326/170)

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

*Applicant:* Marianne Timmer (Saint Sauves d'Auvergne, France) (represented by: F. Rollinger, lawyer)

*Defendant:* European Court of Auditors

**Forms of order sought**

- annulment of all the applicant's staff reports drawn up by M.L.;
- annulment of the connected and/or subsequent decisions, including that appointing M.L.;
- an order for the payment of compensation for the material damage corresponding to the loss of income which the applicant has suffered in relation to the situation she would have been in if she had been promoted each time that she theoretically could have been during the period of her work under M.L.'s orders;
- an order for the payment of EUR 250 000 compensation for pain and suffering and for the effects which the unlawful treatment referred to above had on the applicant's health;
- an order for the defendant to pay the costs.

**Pleas in law and main arguments**

In support of her action, the applicant first submits that her career has been hampered, to the point of excluding her from the service, in order to allow her superior to continue in the unlawful exercise of his/her duties. The delay in bringing the action is due to the fact that the applicant learnt that the decisions on her career were unlawful only on the discovery of new facts which affected the validity of her staff reports, namely, in particular: (i) a twofold failure by her superior to observe Article 11a of the Staff Regulations; (ii) that her superior's length of service was insufficient when he/she was appointed; (iii) illegalities in connection with competition CC/LA/18/82; (iv) the unlawful filling of a post that the applicant could have filled; (v) her superiors' personal interest; (vi) the omission of disciplinary measures.