

Pleas in law and main arguments

The applicant, after passing the pre-selection tests for the above-mentioned competition, was not admitted to the next stage since, contrary to what was indicated in the notice of competition published in the Official Journal ⁽¹⁾, he had failed to include with his application form any document proving his citizenship.

In support of his action, the applicant pleads breach of the principle of protection of legitimate expectations, of the principle of sound administration and of the duty to have regard for the welfare of officials. He submits in particular that, concerning citizenship, the model application form to be downloaded from the EPSO internet site merely required an honour declaration and warned candidates that, on request, they would have to provide documentary evidence.

⁽¹⁾ OJ C 178 A of 27.7.2005, p. 3.

Action brought on 18 December 2006 — Continolo v Commission**(Case F-143/06)**

(2007/C 20/63)

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

Applicant: Donato Continolo (Duino, Italy) (represented by: S. Rodrigues, C. Bernard-Glanz and R. Albelice, lawyers)

Defendant: Commission of the European Communities

Form of order sought

The Tribunal is asked to:

- annul the decision of the Commission of 3 January 2006 concerning the award and calculation of the applicant's pension rights to the extent that it credits the period which the applicant spent on leave on personal grounds from

11 June 1981 to 1 March 1983 only 5 months, 6 days of pensionable service, instead of 8 months, 20 days;

- annul the decision of the Commission of 5 September 2006 dismissing the applicant's complaint;
- indicate to the Commission the consequences of the annulment of the contested decisions, in particular, concerning the percentage acquired, currently fixed at 66.66666 %, which must be recalculated to take account of the months of January and February 1983;
- order the defendant to pay the costs.

Pleas in law and main arguments

The applicant, a former Commission official, has been retired since 1 January 2006. In his action, he contests the decision of the Commission concerning the award and calculation of his pension rights inasmuch as that decision discloses that the rights which he acquired for the period of his leave on personal grounds, in respect of which he had obtained a transfer into the Community system, have not been wholly credited.

The applicant relies, first, on breach of the principle of protection of legitimate expectations, of the principle of sound administration and of the duty to have regard for the welfare of officials and, secondly, on a manifest error of assessment and of a breach of the duty to state reasons.

Action brought on 22 December 2006 — Bleyaert v Council**(Case F-144/06)**

(2007/C 20/64)

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

Applicant: Eric Bleyaert (Maldegem, Belgium) (represented by: S. Orlandi, A. Coolen, J.-N. Louis and E. Marchal, lawyers)

Defendant: Council of the European Union