

- adopt all measures of organisation of procedure and measures of inquiry necessary for the purpose of assessing the infringement by the Commission of the principles of equal treatment and non-discrimination;
- order the Commission to pay 460 000 EUR, or any other amount which the Tribunal may consider to be fair and equitable, by way of compensation for the material damage caused to the applicant;
- order the Commission to pay 100 000 EUR, or any other amount which the Tribunal may consider to be fair and equitable, by way of compensation for the non-material damage caused to the applicant;
- order the Commission to pay the costs.

Pleas in law and main arguments

The applicant, a member of the temporary staff of OLAF up to 30 April 2005, seeks to recover compensation in respect of the damage which he claims to have suffered as a result of a series of unlawful acts allegedly committed by the Commission in connection with the extension of his contract. Those unlawful acts ostensibly concern in particular: (i) breach of the applicable legal rules and of the case-law relating to employment in the public service; (ii) infringement of the principle of the protection of legitimate expectations; (iii) infringement of the principles of equal treatment and non-discrimination.

Action brought on 11 June 2007 — Gerochristos v Parliament

(Case F-56/07)

(2007/C 183/86)

Language of the case: French

Parties

Applicant: Ioannis Gerochristos (Brussels, Belgium) (represented by: E. Boigelot, lawyer)

Defendant: European Parliament

Form of order sought

- annul the Parliament's decision of 26 September 2006 to appoint the applicant as a probationary official in the function group for administrators with the classification of grade AD 6, step 3;
- annul the Parliament's subsequent decision to withhold EUR 994.95 from the applicant's basic salary and order it to repay that amount to him as soon as practicable after the decision to annul;

- order the defendant to pay, by way of damages for non-material or material damage and the prejudice to the applicant's career, the amount of EUR 25 000, subject to increase or decrease in the course of the proceedings;
- order the defendant to pay the costs.

Pleas in law and main arguments

The applicant, a successful candidate in Open Competition EPSO A/18/04 ⁽¹⁾, notice of which was published before the entry into force of 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⁾, was a member of the temporary staff in grade AST 8 at the time of his recruitment as an official in grade AD 6.

In support of his action, the applicant relies, first, on breach of the duty to state reasons laid down in Article 25(2) of the Staff Regulations of Officials of the European Communities ('the Staff Regulations'), in that the administration never provided him with an explanation for his classification in grade AD 6 or for the decision to withhold the amount of EUR 994.95 from his basic salary.

Second, the applicant: (i) claims that there has been a breach of Article 31 of the Staff Regulations, of Articles 2 and 8 of Annex XIII of the Staff Regulations and of the provisions of the competition notice and (ii) raises a plea of illegality in respect of Article 13(1) of Annex XIII to the Staff Regulations.

Third, the applicant maintains that the administration failed to apply the principles of equal treatment and non-discrimination, particularly in that he was penalised in comparison with members of the temporary staff and officials who benefit from a more favourable classification under Article 5(2) and (4) of Annex XIII to the Staff Regulations or to certain provisions adopted by the Parliament's bureau on 13 February 2006.

Fourth, the applicant replies on breach of the principles of legal certainty and legitimate expectations, particularly as the competition notice was for the drawing up of a reserve list for the recruitment of administrators in grade A7/A6.

Fifth, the applicant claims breach of the principle of sound administration and the duty to have regard for the interests of officials.

Finally, the applicant submits that, in withholding the above-mentioned amount from his basic salary, the administration has breached Article 85 of the Staff Regulations.

⁽¹⁾ OJ C 96 A, 21.4.2004, p. 1.

⁽²⁾ OJ L 124, 27.4.2004, p. 1.