

Action brought on 22 October 2007 — Balieu-Steinmetz and Noworyta v Parliament

(Case F-115/07)

(2007/C 315/92)

Language of the case: French

Parties

Applicants: Marie-Thérèse Balieu-Steinmetz (Sanem, Luxembourg) and Lidia Noworyta (Brussels, Belgium) (represented by: S. Orlandi, A. Coolen, J.-N. Louis and E. Marchal, lawyers)

Defendant: European Parliament

Form of order sought

The applicants claim that the Tribunal should:

- declare illegal the first article of the internal rules adopted by the Appointing Authority ('the AIPN') concerning the fixed allowance for overtime referred to in Article 3 of Annex VI to the Staff Regulations, which entered into force on 1 May 2004, in so far as it establishes a requirement of regularity of the overtime;
- annul the AIPN's express decision of 18 December 2006 rejecting Ms Noworyta's request of 6 July 2006 and the implied decision of 30 November 2006 rejecting Ms Balieu-Steinmetz's request of 13 July 2006;
- order the defendant to pay the costs.

Pleas in law and main arguments

In support of their action, the applicants plead, first, infringement of fundamental rights, general principles and the European Social Charter, according to which every worker must be subject to fair conditions of employment, particularly in terms of working time and payment or compensation for overtime worked or because of the particular circumstances of the management of their working hours.

In particular, they claim that unlike Articles 56a and 56b of the Staff Regulations, Article 3 of Annex VI to the Staff Regulations does not make the possibility of paying a fixed allowance for overtime worked in special conditions subject to a requirement that the overtime be worked on a regular basis. In the applicants' submission, the AIPN fell into error of law by adding that requirement in the internal rules relating to compensation for overtime.

The AIPN also made a manifest error of law by stating that officials recruited on or after 1 May 2004 cannot be entitled to such an allowance whereas that possibility is expressly referred to in Article 1 of those internal rules.

In addition, the applicants maintain that the decision to refuse them any compensation or remuneration for those special working conditions infringes Articles 56a and 56b of the Staff Regulations and the principle of equal treatment.

Finally, in the applicants' submission, the Parliament's position is not coherent since the Director-General of the Directorate-General of the Presidency has stated that no-one in standard telephone works overtime on a regular basis whereas the AIPN concluded, for its part, that a study was in progress to examine the possibilities of harmonising the working conditions in the service in question because, precisely, of the atypical hours worked, outside the general/usual working hours.

Action brought on 25 October 2007 — Kolountzios v Commission

(Case F-117/07)

(2007/C 315/93)

Language of the case: French

Parties

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

Defendant: Commission of the European Communities

Form of order sought

The applicant claims that the Tribunal should:

- annul the Commission's decision of 11 May 2007 rejecting the applicant's request for the calculation of his entitlement to pension rights acquired, before his entry into service, in drachmas with the Greek pension bodies TMSEDE and ELPP by applying the updated average rate of exchange fixed by the Commission to take account of the drachma's fluctuations during the period of contribution;
- order the defendant to pay the costs.