

**Subject-matter and description of the proceedings**

Annulment of the decision of the Council fixing the conditions of the applicant's recruitment in so far as it limits the duration of the contract to two years and classifies him in function group III, grade 11, step 1 and a declaration that Article 88 of the Conditions of Employment of Other Servants is illegal in so far as it authorises successive contracts for a fixed period subject to an overall limit of three years.

**Form of order sought**

- Declare that Article 88 of the Conditions of Employment of Other Servants is illegal in so far as it authorises successive contracts for a fixed period subject to an overall limit of three years;
- Annul the decision of the Council fixing the conditions of the applicant's recruitment in so far as it limits the duration of his contract to two years and classifies him in function group III, grade 11, step 1;
- Order the Council of the European Union to pay the costs.

**Action brought on 15 October 2008 — Notarnicola v Court of Auditors****(Case F-85/08)**

(2008/C 313/110)

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

*Applicant:* Pietro Notarnicola (Luxembourg, Luxembourg) (represented by: A. Gross, lawyer)

*Defendant:* Court of Auditors of the European Communities

**Subject-matter and description of the proceedings**

Annulment of the decision of the defendant informing the applicant of his dismissal and reinstatement of the applicant and, in the alternative, an order that the defendant pay a sum as compensation for the material and non-material loss suffered by the applicant.

**Form of order sought**

- Annul the decision of 16 July 2008 and, accordingly, annul the decision of 5 March 2008 informing the applicant of his dismissal with effect from 15 April 2008;
- Reinstatement of the applicant as a member of the contractual staff pursuant to the contract of 23 August 2007, with retroactive payment of salary from 16 April 2008 until the date of judgment;
- In the alternative, order the defendant to pay the sum of EUR 60 500 for material loss and EUR 5 000 for the non-material loss suffered by the applicant.

**Order of the Civil Service Tribunal of 4 September 2008 — Tsarnavas v Commission****(Case F-44/08)** <sup>(1)</sup>

(2008/C 313/111)

*Language of the case: French*

The President of the Second Chamber has ordered that the case be removed from the register.

<sup>(1)</sup> OJ C 158, 21.6.2008, p. 28.

**Order of the Civil Service Tribunal of 24 October 2008 — Klug v EMEA****(Case F-59/08)** <sup>(1)</sup>

(2008/C 313/112)

*Language of the case: German*

The President of the Second Chamber has ordered that the case be removed from the register.

<sup>(1)</sup> OJ C 223, 30.8.2008, p. 62.