

3. Third ground of appeal: 'Unjust enrichment — Infringement of due process'

The appellant submits that the action at first instance cannot be considered out of time, since it was impossible to draw enough evidence from the salary slip to support the plea in law under consideration. The appellant was unable to allege unjust enrichment by the Commission until 26 May 2010, when she received the decision calculating her pension. At no point did she have full knowledge of the amount of contributions paid, since she never received the relevant notifications from the Commission services responsible. It must also be stated that the actuarial equivalent of the previous pension rights accrued by her with the Italian Istituto nazionale della previdenza sociale (National institution for social welfare) was paid to the Commission and those rights transferred to the Community pension scheme, thereby creating an imbalance between the pension which she received and the contributions paid throughout her career. In that way, the Administration first required a specific level of contributions and then awarded a level of

seniority lower than the actual number of years worked during the career, giving rise to its own unjust enrichment at the expense of its officials.

Order of the General Court of 6 August 2012 — Makhlouf v Council

(Case T-82/12) ⁽¹⁾

(2012/C 295/56)

Language of the case: French

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

⁽¹⁾ OJ C 109, 14.4.2012.