

- annul the decision of the appointing authority of 23 November 2004 rejecting the complaint lodged under Article 90(2) of the Staff Regulations against the decision rejecting his candidature and against the decision to appoint another candidate to the post;
- order compensation to be paid for the non-material damage suffered, assessed on an equitable basis at EUR 5 000 by way of damages, without prejudice to its increase or reduction in the course of proceedings;
- order the defendant to pay the costs.

Pleas in law and main arguments

In support of his application the applicant relies on a plea of failure to state reasons for the contested decision in breach of Article 25 of the Staff Regulations. He also raises pleas of breach of the notice of vacancy, of Article 29(1) and Article 45 of the Staff Regulations, of the principles of equal treatment and of the right to career advancement and a manifest error of assessment, on the ground that his professional experience, his responsibilities and his management and negotiating skills were superior to those of the candidate selected. Finally the applicant alleges misuse of powers.

Action brought on 28 February 2005 by Joerg Peter Block and Others against the Commission of the European Communities

(Case T-114/05)

(2005/C 115/59)

(Language of the case: French)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 28 February 2005 by Joerg Peter Block, residing in Sterrebeek (Belgium), and 12 others, represented by Stéphane Rodrigues and Alice Jaune, lawyers.

The applicants claim that the Court should:

- annul the decisions of the appointing authority rejecting the complaints of the applicants taken at the same time as the decisions of the appointing authority of 1 May 2004 altering the applicants' grades to Grade A*8 or Grade B*8 as the case may be;
- annul the salary statements of the applicants implementing the decision of the appointing authority to alter the appli-

cants' grades to Grade A*8 or Grade B*8 as the case may be, from 1 May 2004;

- inform the appointing authority of the effects of the annulment of the contested decisions namely, *inter alia*, the reclassification of the applicants' grades to Grade A*9 or Grade B*9, as the case may be, with retroactive effect from 1 May 2004;
- in the alternative, order the Commission to recognise that the applicants are eligible for promotion to Grade A*10 or Grade B*10, as the case may be, when they are next promoted;
- order the Commission to make good the damage suffered by the applicants as a result of their not being classified in Grade A*9 or Grade B*9, as the case may be, from 1 May 2004;
- order the defendant to bear the costs.

Pleas in law and main arguments

The applicants are all officials of the Commission who were appointed at Grade A7 and B2 before the entry into force of the new Staff Regulations on 1 May 2004. They contest their classification in Grade A*8 and B*8 respectively pursuant to Article 2 of Annex XIII to the Staff Regulations.

In support of their application the applicants submit that the application to them of that provision is unlawful, as it breaches Article 6 of the Staff Regulations, the principles of equivalence of the old and new career structures and of equal treatment, as well as the applicants' legitimate expectations and established rights. The applicants also allege misuse of powers.

Action brought on 28 February 2005 by José Jiménez Martínez against the Commission of the European Communities

(Case T-115/05)

(2005/C 115/60)

(Language of the case: French)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 28 February 2005 by José Jiménez Martínez, residing in Brussels, represented by Eric Boigelot, lawyer.

The applicant claims that the Court should:

1. annul the Invalidation Committee's decision of 21 April 2004 refusing the applicant's request of 19 January 2004 to be declared invalid, notified by memo of 27 April 2004,
2. annul the Invalidation Committee's decision of 22 July 2004 granting a declaration of invalidity, in so far as the effect of the declaration of invalidity is not retroactive to 21 April 2004,
3. grant the applicant compensation for material and non-material damage assessed on an equitable basis at EUR 222 568, subject to increase in the course of the proceedings,
4. order the defendant to pay the costs.

- breach of the principle of good administration and sound management and breach of the duty to have regard for the welfare of officials.

**Action brought on 28 February 2005 by Dorian Lacombe
against the Council of the European Union**

(Case T-116/05)

(2005/C 115/61)

(Language of the case: French)

Pleas in law and main arguments

The applicant in this case objects to the defendant's decision to grant his declaration of invalidity for three years from 1 September 2004 without providing for retroactive effect to 21 April 2004, the date on which the Invalidation Committee took an initial adverse decision in regard to him.

In support of his claims, the applicant pleads:

- infringement of Article 7 of Annex II to the Staff Regulations and of the rules relating to the operation of the Invalidation Committee. He maintains in that regard that two of the three doctors comprising the Invalidation Committee had no knowledge either of his illness or of his state of health,
- in this case, the Committee made a manifest error of assessment regarding the nature of his illness. It is stated in that regard that the Invalidation Committee took no account whatsoever of the existence of an illness different from sleeping disorders, namely the chronic fatigue previously diagnosed,
- failure to comply with the obligation to state reasons,
- infringement of Articles 53 and 78 of the Staff Regulations and of Articles 13 to 18 of Annex VIII to those regulations,

An action against the Council of the European Union was brought before the Court of First Instance of the European Communities on 28 February 2005 by Dorian Lacombe, residing in Evry (France), represented by Sébastien Orlandi, Xavier Martin, Albert Coolen, Jean-Noël Louis and Etienne Marchal, lawyers, with an address for service in Luxembourg.

The applicant claims that the Court should:

1. order the Council to pay to the applicant an amount corresponding to the total amount of overtime worked in accordance with the statement signed for agreement by his immediate superior and by the Secretary-General of the Council, less the amount already paid,
2. order the Council to pay to the applicant's social security scheme the employer's contributions provided for by the legislation in force,
3. order the Council to pay to the applicant the unemployment benefits to which he would have been entitled if the employer's contributions had been paid in due time to his social security scheme,
4. order the defendant to pay to the applicant default interest calculated at the ECB central rate plus 2 points on all sums which should have been paid under the auxiliary staff contract between the parties.