

*Pleas in law and main arguments*

The applicant was a candidate for external competition COM/B/1/02 intended to constitute a reserve for future recruitment for administrative assistants of grade B5 or B4. Having been successful in that competition, he received an offer of a post from Commission DG RELEX by electronic mail on 20 April 2004. On 21 April 2004 he accepted that offer. However, the instrument of appointment was not drawn up until 31 August 2004 since the applicant first had to terminate the contract between him and his previous employer. By application of the new provisions of the Staff Regulations which came into force on 1 May 2004, he was recruited at grade B\*3, step 2, although the former grade B5, stated in the notice of competition, corresponds to the new grade B\*5. His basic salary was, therefore, significantly lower than it would have been under the former system.

The applicant therefore seeks annulment of the contested decisions relating to his appointment and the setting of his grade and compensation for the loss which he alleges he has suffered. Under his first plea, he alleges infringement of the principle of legitimate expectations, of the duty of the administration to have regard for the interests of officials and of the binding provisions of the notice of competition. In that context, he also submits that the decision appointing him was, in reality, taken before the entry into force of the new Staff Regulations by the exchange of electronic mails on 20 and 21 April 2004.

Furthermore, by his second plea, the applicant alleges infringement of the principle of non-discrimination, on the ground that he was appointed to a grade lower than that stated in the notice of competition and to which other successful candidates from the same competition were recruited.

---

**Action brought on 10 June 2005 by Olivier Chassagne  
against the Commission of the European Communities**

**(Case T-224/05)**

(2005/C 205/49)

*(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 10 June 2005 by Olivier Chassagne, residing in Brussels, represented by Stéphane Rodrigues and Yola Minatchy, lawyers.

The applicant claims that the Court should:

- declare unlawful, and therefore inapplicable to the applicant, Article 8 of Annex VII to the new Staff Regulations of Officials of the European Communities;
- award the applicant EUR one (1) by way of compensation for the non-pecuniary damage sustained and the sum of EUR seven thousand three hundred and seventy two (7 372) by way of compensation for the financial damage sustained;
- order the defendant to pay all of the costs.

*Pleas in law and main arguments*

The applicant, an official of the Commission, is originally from the island of La Réunion, a French overseas department. He brought the present action following the rejection of a complaint which he had lodged against his payslip for August 2004, containing reimbursement of his annual travelling expenses.

In support of his action, the applicant claims that Article 8 of Annex VII to the Staff Regulations, relating to reimbursement of officials' annual travelling expenses to their place of origin, is unlawful. He contends that that provision is contrary to Community law in that it gives rise to unequal treatment connected with the place of origin of officials and also to discrimination contrary to Articles 12 EC and 299 EC as against officials originating from French overseas departments, and also as regards nationality, the fact of belonging to a language minority, ethnic origin or race.

The applicant also claims that that provision infringes other general principles of Community law, such as the obligation to state reasons and the principles of proportionality, transparency and sound administration, and also the principle of legitimate expectations and legal certainty.

---