

Next, the applicant claims infringement of Articles 4 and 8 of the Belgian Royal Decree of 5 November 2002 establishing an immediate declaration of employment ⁽³⁾.

Finally, the applicant relies on infringement of the duty to have regard for the welfare of officials.

⁽¹⁾ Moniteur belge of 31 December 1991, p. 29888.

⁽²⁾ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ L 158, p. 77).

⁽³⁾ Moniteur belge of 20 November 2002, p. 51778.

notice COM/229/04 for the recruitment of the Head of the Commission Delegation to Morocco ⁽¹⁾. His application being successful, he was appointed a probationary official in Grade A*14, step 2.

In his application, the applicant claims that, since he was appointed an official in the same Grade immediately following his period of service as a member of the temporary staff, the Commission should have appointed him, under the third paragraph of Article 32 of the Staff Regulations, in grade A*14, step 8. By refusing him the benefit of that provision, the Commission made a manifest error of law.

⁽¹⁾ OJ C 246 A, 5.10.2004, p. 1.

Action brought on 16 August 2006 — Dethomas v Commission

(Case F-93/06)

(2006/C 237/38)

Language of the case: French

Parties

Applicant: Bruno Dethomas (Rabat, Morocco) (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 decision of 11 January 2006 appointing the applicant a probationary official of the European Communities, as Head of the Commission delegation to Morocco in the Directorate-General for External Relations, in so far as it classifies him in Grade A*14, step 2;
- Order the defendant to pay the costs.

Pleas in law and main arguments

While he was a member of the temporary staff in Grade A*14, step 8, the applicant applied for the post advertised in vacancy

Action brought on 11 August 2006 — F v Commission

(Case F-94/06)

(2006/C 237/39)

Language of the case: French

Parties

Applicant: F (Brussels, Belgium) (represented by: J. Van Rossum, S. Orlandi and J.-N. Louis, lawyers)

Defendant: Commission of the European Communities

Form of order sought

The applicant claims that the Tribunal should:

- Annul the decision of the Director of DG ADMIN/C 'Social welfare policy, Luxembourg staff, health, safety' of 23 February 2006 to retire the applicant and to award him an invalidity allowance fixed in accordance with the provisions of the second paragraph of Article 78 of the Staff Regulations, with retrospective effect from 1 February 2002;
- Order the defendant to pay the applicant a sum assessed on equitable principles at EUR 15 000;
- Order the defendant to pay the costs.

Pleas in law and main arguments

In support of his application, the applicant puts forward very similar pleas to those in Case F-44/06 ⁽¹⁾, which he also brought.

⁽¹⁾ OJ C 154, 1.7.2006, p. 25.

Action brought on 11 August 2006 — Taruffi v Commission

(Case F-95/06)

(2006/C 237/40)

Language of the case: French

Parties

Applicant: Adrien Taruffi (Schouweiler, Luxembourg) (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:

- Declare illegal Article 4(1) of the General Implementing Provisions for Article 45 of the Staff Regulations, adopted by the Commission decision of 23 December 2004 (GIP);
- Annul the Commission decisions fixing the applicant's merit and priority points in respect of the 2004 and 2005 promotion exercises and the decisions not to include his name on the merit list after Promotion Committees and on the list of officials promoted to Grade B*10 in the 2004 promotion exercise;
- Order the defendant to pay the costs.

Pleas in law and main arguments

In support of his application, the applicant argues that there was no genuine examination of his merits in the appraisal carried out by the Promotion Committee, following the administration's positive response to his first complaint.

As regards the 2004 exercise, the applicant pleads, *inter alia*, that there was a manifest error of assessment in that his merits in the 2004 exercise were compared to those of the officials

covered by the 'research' budget whereas, for that exercise, he was covered by the 'operations' budget.

As regards the 2005 exercise, the applicant regards as illegal the Commission's interpretation of Article 4(1) of the GIP, under which, even though the applicant had been assigned to two separate Directorates-General and an interim report had been drawn up for the first part of 2004 including the award of merit points, only the Directorate-General responsible for establishing his final report would have the power to award priority points.

In general, the applicant submits that the contested decisions were adopted in breach of Article 45 of the Staff Regulations and that length of service, rather than merit, was taken into account as the decisive criterion.

Action brought on 10 August 2006 — G v Commission of the European Communities

(Case F-96/06)

(2006/C 237/41)

Language of the case: French

Parties

Applicant: G (Port-Vendres, France) (represented by: B. Camber and L. Cambier, lawyers)

Defendant: Commission of the European Communities

Form of order sought

- declare that the defendant is liable for the wrongful acts that it has committed to the applicant's detriment;
- order the defendant to pay provisional damages of EUR 1 581 801 to the applicant and his family, which corresponds to half of the damage caused by all of the wrongful acts committed by the Commission, its agents, employees and/or other dependent bodies, the other half having to be assessed with the assistance of an expert;
- order the defendant to pay 8 % interest on all of the above-mentioned sums from 23 November 1999 onwards, when the first report of the internal enquiry of the European Anti-Fraud Office (OLAF) was published, in which the first signs of bias against the applicant appeared, or, in the alternative, from 29 June 2005 onwards, when the applicant lodged a request for compensation under Article 90(1) of the Staff Regulations;