

Pleas in law and main arguments

The applicant, a retired official of the European Communities, has a dependent daughter who needs a wheelchair on account of her paraplegia. The applicant submits that the wheelchair can no longer be used since it has broken due to wear. The applicant sought reimbursement of the cost of a new wheelchair, which the Commission refused.

The applicant asserts that its rights under Articles 72 and 110 of the Staff Regulations of the European Communities, read in conjunction with Section XII(F)(4) of Annex I to the Joint Rules on sickness insurance for officials of the European Communities, were infringed.

marriage was not recognised by the Bayerisches Oberstes Landesgericht in its decision of 11 October 1999. The applicant states that he is therefore the sole 'surviving spouse', since the second marriage of the deceased to Mr Wolfgang Mandt was not legally valid.

Action brought on 31 July 2007 — Braun-Neumann v Parliament

(Case F-79/07)

(2007/C 235/57)

Language of the case: German

Parties

Applicant: Kurt-Wolfgang Braun-Neumann (Merzig, Germany) (represented by: P. Ames, lawyer)

Defendant: European Parliament

Form of order sought

- order the defendant to pay with retroactive effect from 1 August 2004 the other half of the survivor's pension in right of his wife Gisela Mandt, née Neumann, who died on 25 July 2004, in the monthly sum of EUR 1 670,84 plus interest at the rate applied by the European Central Bank on the marginal lending facility, increased by 3 %;
- order the defendant to pay the costs of the proceedings.

Pleas in law and main arguments

The European Parliament undertook to pay the applicant 50 % of the survivor's pension in his capacity as widower of Ms Gisela Mandt, née Neumann. The applicant seeks payment of the survivor's pension in full.

The complaint is directed against the European Parliament's decision to recognise the second marriage of the deceased, even though the decree of divorce of the Tribunal de première instance de Namur of 6 September 1995 in relation to the first

Action brought on 3 August 2007 — Economidis v Commission

(Case F-80/07)

(2007/C 235/58)

Language of the case: French

Parties

Applicant: Ioannis Economidis (Woluwe-St-Étienne, Belgium) (represented by: S. Orlandi, J.-N. Louis, A. Coolen and E. Marchal, lawyers)

Defendant: Commission of the European Communities

Form of order sought

- annul the decision reorganising the directorate-general for RTD inasmuch as that decision fills, in particular, the posts of head of unit for F.1 'Horizontal aspects and coordination' and for F.5 'Health biotechnology';
- order the defendant to pay the costs.

Pleas in law and main arguments

In October 2006, the Commission, in the context of a reorganisation of DG RTD, appointed Mr H and Mr X as heads of unit for F.1 and F.5 respectively. By judgment of 14 December 2006 in Case F-122/05 *Economidis v Commission* (¹), the Civil Service Tribunal annulled the Commission decision of 23 December 2004, appointing Mr H to the post of Head of Unit 'Health biotechnology', one of the units of the same DG before the reorganisation.

In support of his action, the applicant relies first on an infringement of Article 233 EC, in that the Commission, by virtue of the reorganisation of the DG, maintains that it is not possible to execute the judgment of 14 December 2006. According to the applicant, the decision of 23 December 2004 having been annulled, Mr H cannot be reemployed in the post of Head of Unit in the framework of the reorganisation of the DG concerned.

Moreover, the applicant submits that there are two possibilities, either the Unit 'Health biotechnology' still exists, but under another name and with its tasks redefined, or it has indeed been abolished. In the first case, the administration should have executed the judgment of 14 December and, in the second case, the administration should have opened the procedure to fill the posts of head of unit created by the reorganisation and, accordingly, permitted him to submit his candidature. In not having followed that procedure, the defendant infringed Articles 4, 7, 24 and 29 of the Staff Regulations of Officials of the European Communities and the principle of reasonable career prospects.

(¹) OJ C 331, 30.12.2006, p. 47.

amendments to the Staff Regulations, some were appointed to grade A*10/AD 10 while others, including the applicant, were appointed to grade A*9/AD 9. The applicant pleads an infringement of the principles of equal treatment and reasonable career prospects for officials.

Action brought on 6 August 2007 — Dittert v Commission

(Case F-82/07)

(2007/C 235/59)

Language of the case: French

Parties

Applicant: Daniel Dittert (Luxembourg, Luxembourg) (represented by: B. Cortese and C. Cortese, lawyers)

Defendant: Commission of the European Communities

Form of order sought

- annul the decision of the Commission of the European Communities to promote the applicant to grade AD 9, and not AD 10, under the 2006 promotion procedure, as confirmed by that Institution's decision of 23 April 2007, rejecting the applicant's complaint No R/132/07;
- order the Commission of the European Communities to pay the costs.

Pleas in law and main arguments

The applicant, an established official at the Commission, having been promoted to the old grade A 7 with effect from 1 April 2002, was on 30 April 2004 eligible for promotion to grade A 6. On 1 May 2004, the Appointing Authority replaced grade A 7 in the applicant's staff file with the new grade A*8, stating the reason for the amendment to be the 'career reform of 1 May 2004'. Subsequently, grade A*8 was renamed AD 8 with effect from 1 May 2006.

The applicant submits that though the officials promoted in 2004 and those promoted in 2005 or 2006 from the old grade A 7 were all promoted after the entry into force of the

Action brought on 14 August 2007 — Zangerl-Posselt v Commission

(Case F-83/07)

(2007/C 235/60)

Language of the case: German

Parties

Applicant: Brigitte Zangerl-Posselt (Saarbrücken, Germany) (represented by: S. Paulmann, lawyer)

Defendant: Commission of the European Communities

Form of order sought

- annul the decision of the selection board for competition EPSO/AST/27/06 (Assistants (AST 1) having as their main language German) not to admit the applicant to the practical and oral tests for that competition, communicated to the applicant by a letter from EPSO of 18 June 2007 and confirmed by letter of 25 July 2007;
- order the defendant to pay the costs.

Pleas in law and main arguments

The selection board for competition EPSO/AST/27/06 (Assistants (AST 1) having as their main language German) did not admit the applicant to the practical and oral tests, since she did not have the required level of education (Abitur).

The applicant claims, in particular, that her level of education (Realschulabschluss) meets the requirements of Section A.II.1(ii) of the competition notice. The classification of diplomas is based, both in Germany and at European level, on the *International Standard Classification of Education* of 1997 (ISCED), drawn up by UNESCO, the terminology of which was also reproduced in the competition notice. According to that classification, the Realschulabschluss is a diploma attesting to a level of secondary education (ISCED level 2) and gives access to post-secondary education (ISCED level 4).

In addition, the applicant pleads that the defendant's decision is insufficiently and incorrectly reasoned.