

Re:

Application for legal aid.

Operative part of the order

The application for legal aid in Case F-12/07 AJ O'Connor v Commission is dismissed.

Action brought on 29 June 2007 — Aayhan and Others v European Parliament

(Case F-65/07)

(2007/C 269/127)

Language of the case: French

Parties

Applicants: Laleh Aayhan (Strasbourg, France) and Others (represented by: R. Blindauer, lawyer)

Defendant: European Parliament

Form of order sought

- annul the express decision of the European Parliament of 20 April 2007 rejecting the applicants' complaint of 19 December 2006;
- amend all the fixed-term contracts linking the applicants and the Parliament by converting them into a single contract for an indefinite period;
- rule that the Parliament is required to restore to all those members of staff the benefit of a contract for an indefinite period;
- rule that members of the auxiliary staff of the Parliament called 'session auxiliaries' are entitled to an allowance representing the right to paid leave which they acquired through working for all the work periods since their employment began;
- order the Parliament to pay to each applicant the sum of EUR 2 000 for their irrecoverable costs of bringing proceedings;
- order the Parliament to pay the costs.

Pleas in law and main arguments

The applicants are session auxiliary staff employed by the Parliament at the time of its plenary sessions at Strasbourg, for 12 plenary sessions a year.

In support of their action, the applicants plead, first, the unlawfulness of Article 78 of the Conditions of Employment of Other Servants, inasmuch as that provision excludes the category of session auxiliaries from the scope of any State or Community source of law.

The applicants rely, next, on the breach of the principle of non-discrimination as stated, in particular, in the European Social Charter and in Convention C 111 of the International Labour Organisation (ILO) concerning discrimination in respect of employment and occupation. They claim, further, that the Parliament infringed the principle requiring any employer to state reasons for a decision to terminate employment, a principle recognised, in particular, in Article 4 of Convention C 158 of the ILO concerning termination of employment at the initiative of the employer.

Finally, the applicants submit that, as provided, in particular, by Directive 1999/70⁽¹⁾, the general form for the employment relationship between employers and workers is a contract of an indefinite duration.

⁽¹⁾ Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP (OJ 1999 L 175, p. 43).

Action brought on 16 July 2007 — Karatzoglou v EAR

(Case F-71/07)

(2007/C 269/128)

Language of the case: English

Parties

Applicant: Georgios Karatzoglou (Preveza, Greece) (represented by: S. A. Pappas, lawyer)

Defendant: European Agency for Reconstruction (EAR)

Form of order sought

- Order the EAR to pay the amount of EUR 348 965,96 in order to compensate the material damage suffered by the absence of compliance to judgement of the Fourth Chamber of the Court of First Instance of 23 February 2006 in Case T-471/04 (Georgios Karatzoglou v European Agency for Reconstruction)⁽¹⁾;
- Order the EAR to pay the amount of EUR 100 000 in order to compensate the non-material damage suffered by the absence of compliance to judgement T-471/04;

- Order the EAR to pay the amount of EUR 100 000 in order to compensate the non-material damage suffered by the service related fault committed by EAR as it refused to take any specific measure to comply with judgement T-471/04;
- Order the EAR to pay interest on the aforementioned amounts of 3 % since the publication of judgement T-471/04;
- Order the EAR to pay the costs.

Pleas in law and main arguments

The applicant mainly claims that The EAR infringed Article 233 EC in so far as it did not take the necessary measures to comply with the above-mentioned judgement of the Court of First Instance.

(¹) OJ C 96, of 22.4.2006, p. 13.

- the withdrawal of seniority in grade and the requirement of mobility which was imposed solely on successful candidates;
- consequently, accord the successful candidates the seniority in grade by annulling the contested acts;
- order the Council to pay the costs.

Pleas in law and main arguments

The applicants, successful candidates in internal competition B/277 published on 9 July 2007 by the General Secretariat of the Council, were first appointed in Category B maintaining the seniority of grade which they had acquired in Categories C and D. Later, their seniority in grade was limited to the date of taking up their new duties, although personnel who had reached Category B under the attestation procedure and not because of a competition were able to keep the seniority at issue. In those circumstances, the applicants rely on the infringement of the provisions and breach of the principles cited in the forms of order sought above.

Action brought on 22 August 2007 — Anselmo and Others v Council

(Case F-85/07)

(2007/C 269/129)

Language of the case: French

Parties

Applicants: Ana Anselmo (Brussels, Belgium) and Others (represented by: S. Pappas, lawyer)

Defendant: Council of the European Union

Form of order sought

- annul, first, the decisions of the appointing authority of 11 May 2007, rejecting the complaints brought by the applicants concerning a difference in treatment between, on the one hand, the successful candidates in internal competition N/277 and, on the other hand, the officials who benefit from the attestation procedure as defined by the Council decision of 2 December 2004 concerning the detailed rules for implementing the attestation procedure and, secondly, the decisions contested by those complaints;
- find that there was an infringement of Article 5(2) of Annex XIII to the Staff Regulations of Officials of the European Communities by the non-recognition of seniority in grade in respect of the successful candidates in internal competition B/277;
- find that there was a breach of the principle of equal treatment and that of sound administration resulting both from

Action brought on 6 September 2007 — Kuchta v European Central Bank

(Case F-89/07)

(2007/C 269/130)

Language of the case: German

Parties

Applicant: Jan Kuchta (Frankfurt am Main, Germany) (represented by: B. Karthaus, lawyer)

Defendant: European Central Bank

Form of order sought

- order the defendant to pay the applicant damages in the sum of EUR 1;
- declare that the decision addressed to the applicant concerning the annual salary and bonus review (ASBR) for 2006 of 31 December 2006 is invalid;
- order the defendant to pay the applicant's out-of-court costs.

Pleas in law and main arguments

The action concerns an infringement of provisions of data protection law inasmuch as the applicant's staff report for 2006 was forwarded in full to his new superior without his knowledge.