

- restructure the applicant's career (including valuation of her experience in the grade as thus corrected, her rights to advancement to a higher step and her pension rights), on the basis of the grade at which she would have been appointed on the basis of the competition notice in pursuance of which she was placed on the list of suitable candidates, either to the grade mentioned on that competition notice or to the grade corresponding to its equivalent according to the classification in the new Staff Regulations, as from the date of the decision to appoint her;
- award the applicant interest for late payment on the basis of the rate set by the European Central Bank on all sums corresponding to the difference between the salary corresponding to her classification in the decision to appoint her and the classification to which she ought to have been entitled, until the date on which the decision to classify her in her proper grade is taken.

Pleas in law and main arguments

As a successful candidate in competition CJ/LA/32 ⁽¹⁾, the notice for which was published before 1 May 2004, the applicant was recruited before the entry into force of Council Regulation (EC, Euratom) No 723/2004 of 22 March 2004 amending the Staff Regulations of Officials of the European Communities and the Conditions of Employment of Other Servants ⁽²⁾. Pursuant to the provisions of Annex XIII to the Staff Regulations of the European Communities ('the Staff Regulations') as amended by the above regulation, she was classified in grade AD7 instead of the grades LA7 or LA6 set out in the competition notice.

In her application, the applicant relies on, inter alia, infringement of Article 5(5) of the Staff Regulations, of the principles of equal treatment, proportionality, sound administration and the protection of legitimate expectations and of Article 31(1) of the Staff Regulations, in so far as, first, she was recruited at a grade lower than that referred to in the competition notice and, secondly, the classification of successful candidates in the same competition was set at different levels depending on whether they were recruited before or after the entry into force of Regulation No 723/2004.

In addition, the applicant pleads infringement of Article 10 of the Staff Regulations, in so far as the Committee referred to by that provision was not consulted on the issue of the classification of successful candidates in the competitions, the notices for which referred to the old career structure.

⁽¹⁾ OJ C 221 A, 3.8.1999, p. 7.

⁽²⁾ OJ L 124, 27.4.2004, p. 1.

Action brought on 14 May 2007 — Barbin v Parliament

(Case F-44/07)

(2007/C 155/83)

Language of the case: French

Parties

Applicant: Florence Barbin (Luxembourg, Luxembourg) (represented by: S. Orlandi, J.-N. Louis, A. Coolen and E. Marchal, lawyers)

Defendant: European Parliament

Form of order sought

The applicant claims that the Tribunal should:

- declare that paragraph I.2(c) of the 'Implementing measures relating to the allocation of merit and promotion points' of the European Parliament of 10 May 2006 is illegal;
- annul the appointing authority's decision of 16 October 2006 to allocate the applicant one merit point under the 2005 promotion procedure;
- order the defendant to pay the costs.

Pleas in law and main arguments

The applicant, a European Parliament official of grade AD11, puts forward very similar pleas to those put forward in Case F-148/06 ⁽¹⁾.

⁽¹⁾ OJ C 42 of 24.2.2007, p. 48.

Order of the Civil Service Tribunal of 25 May 2007 — Antas v Council

(Case F-92/06) ⁽¹⁾

(2007/C 155/84)

Language of the case: French

The President of the First Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 237, 30.9.2006, p. 21.