

Concerning the application for annulment, the applicant argues that, even if it is possible for an administrative authority to replace an illegal decision, in this case the new decision fixing her pension rights at a lower level than previously anticipated was not taken within a reasonable time. In those circumstances, the confidence she might legitimately have as to the amount of her pension had been breached.

She argues that the non-material damage arises from the whole of the faults committed by the European Parliament throughout the case.

Action brought on 20 December 2005 — Claude Adolf and Others v Commission of the European Communities

(Case F-128/05)

(2006/C 60/103)

Language of the case: French

Parties

Applicant(s): Claude Adolf and Others (represented by: L. Levi and G Vandersanden, lawyers)

Defendant(s): Commission of the European Communities

Form of order sought

The applicant(s) claim(s) that the Court should:

- declare the action admissible and well founded, including the objection of illegality contained in it;
- consequently, annul the applicants' pension statements for March 2005, so as to result in the application of a weighting for the capital of the country of residence or, at least, of a weighting such as to reflect adequately the differences in the cost of living as between the places where the applicants are deemed to incur their expenditure and therefore to give effect to the principle of equivalence;
- order the defendant to pay the costs.

Pleas in law and main arguments

The applicants in this case are all officials who retired before 1 May 2004. They object to the transitional conditions being

applied, pending the removal of weightings by 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 of the European Communities, in so far as those conditions are based on a new calculation of 'pension' weightings which is no longer based on the capital city but on the average cost of living in the Member State where the pensioner proves that he has established his principal residence.

In support of their contentions, the applicants claim, first, that the abovementioned regulation is based on an incorrect statement of reasons, in so far as neither the increased integration of the Community, nor freedom of movement and of residence nor the difficulty in verifying pensioners' actual place of residence can serve as a basis for the transitional regime at issue.

Next, the applicants allege infringement in this case of the principles of equal treatment, legal certainty, retroactivity of acquired rights and protection of legitimate expectations.

Action brought on 23 December 2005 — Merglova v Commission

(Case F-129/05)

(2006/C 60/104)

Language of the case: French

Parties

Applicant: Eva Merglova (Brussels, Belgium) (represented by: S. Rodrigues and Y. Minatchy, lawyers)

Defendant: Commission of the European Communities

Forms of order sought

The applicant claims that the Court should:

- Declare the action admissible;
- Annul the Commission's decision of 15 September 2005 rejecting the applicant's complaint;
- Pronounce the reclassification of the applicant in Grade C3 or C2, with retrospective effect from 1 May 2004;