

**Action brought on 5 January 2006 — Luigi Marcuccio v
Commission of the European Communities**

(Case F-2/06)

(2006/C 86/87)

(Language of the case: Italian)

Parties

Applicant(s): Luigi Marcuccio (Tricase, Italy) (represented by: I. Cazzato, avvocato)

Defendant(s): Commission of the European Communities

Form of order sought

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

- Annul the decision closing the procedure for recognition of the applicant's legal guarantees in particular under Article 73 of the Staff Regulations in respect of an accident sustained by the applicant on 10 September 2003.
- Order the defendant to pay the costs.

Pleas in law and main arguments

In support of the application, the applicant submits first of all that the contested decision is flawed by reason of manifest inconsistency and a complete failure to state reasons. In fact, even though on several occasions he had stated that he was committed to pursuing the procedure intended to confer upon him the benefits under Article 73 of the Staff Regulations and that he was available to be examined by the doctor appointed by the defendant, the defendant nevertheless found that the applicant was not committed to pursuing the procedure in question and therefore closed that procedure.

The applicant further alleges that the defendant infringed the law, given that there is no rule requiring an official who was the victim of an accident to contact directly the doctor appointed by the institution to fix an appointment.

Lastly, the applicant alleges that the defendant has infringed the duty to have regard for the welfare of officials under Article 24 of the Staff Regulations, in that it failed to have due regard to the interests of the applicant and acted in a manner inconsistent with official duty.

**Action brought on 3 February 2006 — Suleimanova v
Committee of the Regions**

(Case F-12/06)

(2006/C 86/88)

(Language of the case: French)

Parties

Applicant: Karina Suleimanova (Brussels, Belgium) (represented by: S. Orlandi, A. Coolen, J.-N. Louis and E. Marchal, lawyers)

Defendant: Committee of the Regions of the European Union

Form of order sought

The applicant claims that the Court should:

- Annul the decision to appoint the applicant an official of the European Communities in so far as it sets her recruitment grade pursuant to Article 12 of Annex XIII to the Staff Regulations;
- Order the Committee of the Regions to pay the costs.

Pleas in law and main arguments

As a successful candidate in a competition for which the notice was published before 1 May 2004, the applicant was recruited after 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⁽¹⁾.

In her application, the applicant first submits that the contested decision fails to take account of the legal framework set up by the competition notice. She claims that, pursuant to Article 12 of Annex XIII to the Staff Regulations, she was recruited at a grade lower than that mentioned in the competition notice.

The applicant also considers that the contested decision infringes Articles 5, 29 and 31 of the Staff Regulations and the principle of equal treatment and non-discrimination. Successful candidates in the same competition or the same level of competition were graded 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 lastly alleges a breach of the principle of the protection of legitimate expectations, inasmuch as she reasonably expected to be recruited at the grade mentioned in the competition notice to fill the post for which she had applied.

⁽¹⁾ OJEU L 124, 27.04.2004, p. 1