

Action brought on 22 February 2006 — Patrizia de Luca v Commission of the European Communities

(Case F-20/06)

(2006/C 108/57)

Language of the case: French

Parties

Applicant(s): Patrizia de Luca (Brussels) (represented by: S. Orlandi, A. Coolen, J.-N. Louis and E. Marchal, lawyers.)

Defendant(s): Commission of the European Communities

Form of order sought

The applicant claim(s) that the Court should:

- declare that Article 12 of Annex XIII to the Staff Regulations of Officials is unlawful;
- annul the decision of the appointing authority of 23 February 2005 appointing the applicant to an administrator's post in the Directorate-General 'Justice, Freedom and Security', Directorate 'Civil Justice, Rights and Citizenship', Unit 'Civil Justice', inasmuch as it fixes her classification at Grade A*9, step 2, and annul the taking effect of her seniority in step on 1 February 2005;
- order the Commission of the European Communities to pay the costs.

Pleas in law and main arguments

The applicant, a Grade A6 official (subsequently A*10), was appointed, after Council Regulation (EC, Euratom) No 723/2004 ⁽¹⁾ 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 came into force, to an administrator's post, as a candidate successful in Competition COM/A/11/01, the notice for which had been published in 2001. Pursuant to Article 12 of Annex XIII to the Staff Regulations, she was classified in Grade A*9.

First of all, the applicant claims that the contested decision amounts to downgrading, in disregard of the framework of lawfulness constituted by the notice of competition in which she was successful and also her reasonable career prospects. In addition, she alleges breach of Articles 4, 5, 29 and 31 of the Staff Regulations and also of the principles of good administration and proportionality.

According to the applicant, that decision is also contrary to the principle of equal treatment and the principle of non-discrimination. In the first place, grading of candidates successful in

that competition or in competitions at the same level has been fixed at different levels depending on whether recruitment took place before or after Regulation No 723/2004 entered into force. In the second place, when the applicant's seniority in step was fixed no regard was had to the seniority that she had acquired as a Grade A*10 official, contrary to the rules applicable, especially in relation to the appointment of a member of the temporary staff as an official.

Finally, the applicant invokes the principle of the protection of legitimate expectations, inasmuch as she might expect to be appointed to the grade indicated in the notice of competition.

⁽¹⁾ OJ L 124, 27 April 2004, p. 1.

Action brought on 2 March 2006 — Da Silva v Commission of the European Communities

(Case F-21/06)

(2006/C 108/58)

Language of the case: French

Parties

Applicant(s): João Da Silva (Brussels) (represented by: G. Vandersanden and L. Levi, lawyers)

Defendant: Commission of the European Communities

Form of order sought

- a declaration that the action is admissible and well founded, including the plea of illegality that it contains;
- annulment of the applicant's classification in Grade A*14, step 2, contained in the decision of 18 May 2005 appointing the applicant as a director;
- restoration of the applicant to the grade and step in which he would in the ordinary course of events have been placed (or the equivalent according to the classification introduced by the new Staff Regulations), according to the provisions of the notice of vacancy published on 7 November 2003, pursuant to Article 29(2) of the Staff Regulations (notice for a director's post at Grade A2);