

## EUROPEAN UNION CIVIL SERVICE TRIBUNAL

**Action brought on 13 March 2006 — Hanot v Commission**

(Case F-30/06)

(2006/C 131/91)

*Language of the case: French***Parties**

*Applicant:* Cécile Hanot (Luxembourg, Luxembourg) (represented by: S. Orlandi, A. Coolen, J.-N. Louis, E. Marchal, lawyers)

*Defendant:* Commission of the European Communities

**Form of order sought**

- Declare that Articles 5(2) and 12 of Annex XIII to the Staff Regulations are unlawful;
- Annul the decision appointing the applicant as an Assistant, in that it sets her classification at grade B\*3, step 5, pursuant to Article 5(2) of Annex XIII to the Staff Regulations;
- Annul the decision to remove all the points which form the applicant's 'rucksack';
- Annul the decision to apply a multiplier for the purpose of calculating the applicant's remuneration;
- Order the Commission of the European Communities to pay the costs.

**Pleas in law and main arguments**

The applicant is a successful candidate in the internal competition for change of category COM/PB/04, the notice for which was published before the date when the new Staff Regulations entered into force. After that date, she was appointed by the defendant to the higher category, but her previous grade, step and multiplier were retained. However, her promotion points were re-set at zero.

In her action, the applicant submits, first, that the contested decisions infringe the legal framework formed by the notice for the competition which she passed, and Articles 5, 29 and 31 of the Staff Regulations, the principle that officials should have reasonable career prospects and the principle of proportionality.

The applicant claims, second, that those decisions also infringe the principle of equal treatment and non-discrimination. On one hand, the classification of successful candidates in the same

competition or in competitions at the same level is set at different levels depending on whether recruitment occurs before or after the entry into force of the new Staff Regulations. On the other hand, officials who did not pass the competition for change of category are at an advantage, in that they retain their promotion points while the applicant's 'rucksack' was re-set at zero.

Lastly, according to the applicant, the contested decisions are contrary to the principle of the protection of legitimate expectations, in so far as she was entitled to expect to be appointed at the grade given in the competition notice.

**Action brought on 13 March 2006 — Perez-Minayo Barroso and Pino v Commission**

(Case F-31/06)

(2006/C 131/92)

*Language of the case: French***Parties**

*Applicants:* Isabelle Perez-Minayo Barroso (Brussels, Belgium) and Marco Pino (Brussels, Belgium) (represented by: S. Orlandi, lawyer)

*Defendant:* Commission of the European Communities

**Form of order sought**

- Declare that Articles 5 and 12 of Annex XIII to the Staff Regulations are unlawful;
- Annul the specific decisions appointing the applicants as Administrators, in that they set their classification pursuant to Article 5(2) of Annex XIII to the Staff Regulations;
- Annul the specific decisions to remove the points accumulated by the applicants in their former category, forming their 'rucksack';
- Annul the specific decisions to apply a multiplier lower than 1 for the purposes of determining the applicant's remuneration;
- Order the Commission of the European Communities to pay the costs.