

In May 2003, the defendant was arranging for the removal from the official lodgings assigned to the applicant, who maintains that only part of his personal effects were collected for removal. By memorandum of 16 May 2005, the defendant informed the applicant that his personal effects and his automobile had been sent to Italy and asked him to contact the shipping agent to arrange for delivery.

By letter of 1 March 2005, the applicant requested, *inter alia*, a detailed list of what had been delivered to him, and also a copy of the bill of lading. That request was not answered, as indicated in the claim brought by the applicant on 2 September 2005.

In support of his action, the applicant states that the implied decision to reject his claim is illegitimate on grounds of absolute failure to state reasons, infringement of the law, infringement of the obligation to have due regard to the welfare of officials, the principle of transparency, the principle of sound administration, and also the principle of *neminem laedere*.

Action brought on 21 April 2006 — Tuomo Talvela v Commission of the European Communities

(Case F-43/06)

(2006/C 143/73)

Language of the case: French

Parties

Applicant: Tuomo Talvela (Oslo, Norway) (represented by: E. Boigelot, lawyer)

Defendant: Commission of the European Communities

Forms of order sought

— annul the applicant's Career Development Review (CDR) for the period from 1 January 2004 to 31 December 2004, and also the decision of 31 August 2005 of the appeal assessor confirming and definitively approving the said CDR;

- annul the implicit decision to reject the applicant's request of 25 February 2005 and also any act subsequent and/or relating to that decision;
- annul the decision of 11 January 2006 of the Appointing Authority, received on 13 January 2006, rejecting the complaint lodged by the applicant on 23 September 2005 and seeking to have the contested decisions annulled;
- award damages for pecuniary and non-pecuniary loss and also for loss of career prospects, evaluated on equitable principles at EUR 4 000 and subject to amendment in the course of the proceedings;
- order the Commission of the European Communities to pay the costs.

Pleas in law and main arguments

The applicant pleads, first, infringement of the second paragraph of Article 25, Article 26 and Article 43 of the Staff Regulations, and also of the general implementing provisions relating to the application of Article 43, as adopted by the defendant on 3 March 2004, of the specific rules for staff assigned to the External Service and of the Guide to staff reports.

He also claims that the defendant infringed the general implementing provisions adopted by it on 28 April 2004 concerning the conduct of administrative investigations and disciplinary proceedings.

Next, he alleges infringement of the essential procedural requirements, disregard of the general principles of law, such as the rights of the defence, the principle of sound administration and the duty to pay due regard to the welfare of officials, the principle of equal treatment and those requiring the Appointing Authority to adopt a decision solely on legally valid grounds, that is, grounds which are relevant and not vitiated by manifest errors of assessment, fact or law.

Lastly, the applicant claims that by adopting the disputed assessment for the 2004 exercise in the circumstances described, the Appointing Authority manifestly failed to make a correct application and interpretation of the provisions of the Staff Regulations and of the abovementioned principles. Its decision is therefore based on reasons which are incorrect both in fact and in law. The applicant has therefore been placed in an administrative situation which is both discriminatory and contrary to his legitimate expectations and interests.
