

## EUROPEAN UNION CIVIL SERVICE TRIBUNAL

**Order of the Civil Service Tribunal of 16 May 2006 —  
Voigt v Commission**(Case F-55/05) <sup>(1)</sup>**(Officials — Occupational disease — Absence of a decision  
adversely affecting the applicant — Premature application —  
Manifestly inadmissible)**

(2006/C 154/54)

*Language of the case: French***Parties***Applicant:* Eric Voigt (Orange, France) (represented by: B. Autric, lawyer)*Defendant:* Commission of the European Communities (represented by: J. Currall and K. Herrmann, Agents, assisted by F. Longfils, lawyer)**Re:**

Application, first, for recognition of the occupational origin of the disease from which the applicant is suffering and, second, damages for the harm which he claims to have sustained

**Operative part of the order**

1. *The application is dismissed as manifestly inadmissible;*
2. *The applicant is ordered to bear his own costs and to pay half of those incurred by the Commission.*

<sup>(1)</sup> OJ C 229, 17.9.2005 (case initially registered before the Court of First Instance of the European Communities under No T-258/05 and transferred to the European Union Civil Service Tribunal by order of 15.12.2005).

**Action brought on 19 December 2005 — Kyriazis v  
Commission**

(Case F-120/05)

(2006/C 154/55)

*Language of the case: Greek***Parties***Applicant:* Antonios Kyriazis (Luxembourg, Luxembourg) (represented by: M. Spanakis, lawyer)*Defendant:* Commission of the European Communities**Form of order sought**

The applicant claims that the Tribunal should:

- Annul decision ADMIN.B.2. — D (05) 23023/EGL-ade of 12 October 2005, by which the Appointing Authority rejected the applicant's complaint R/549/05 against the defendant's refusal, on 25 April 2005, of his request to be granted the expatriation allowance (16 %);
- Order the defendant to grant the applicant the expatriation allowance with retroactive effect from 1 March 2005, plus interest for late payment at the annual rate of 10 %, until it is paid in full;
- Acknowledge the applicant's entitlement to the expatriation allowance (16 % of the net basic salary) in the future.

**Pleas in law and main arguments**

The applicant, a Commission official employed in Luxembourg, contests the decision refusing him payment of the expatriation allowance. He disputes the defendant's argument that he does not meet the conditions referred to in Article 4(1)(a) of Annex VII to the Staff Regulations by reason of the fact that, during a period of five years ending six months before his engagement by the Community institutions, he was a permanent resident in Luxembourg and carried on there his usual main occupation.

The applicant also claims that the work he carried out in Luxembourg in the defendant's building, during which he was employed by a company governed by private law, should be regarded as falling within the derogation provided for in the second indent of Article 4(1)(a) of Annex VII to the Staff Regulations.

**Action brought on 13 February 2006 — Duyster v  
Commission**

(Case F-18/06)

(2006/C 154/56)

*Language of the case: Dutch***Parties***Applicant:* Tinike Duyster (Oetrange, Luxembourg) (represented by: W.H.A.M. van den Muijsenberg, lawyer)*Defendant:* Commission of the European Communities