

- Annul the Appointing Authority's decision of 14 February 2006 rejecting the applicant's complaint against the contested decision;
- Order the defendant to pay the costs.

Pleas in law and main arguments

The applicant, a Commission official and mother of two children, received dependent child allowance under Article 67(2) of the Staff Regulations. Following her spouse's death on 10 April 2005, she was informed that because of the amendment to Article 80 of the Staff Regulations, the Commission would not pay her any orphans' pension. On the other hand, she obtained family allowances and orphans' pension from the Belgian authorities. As the total amount of the benefits paid by the latter exceeded the amount of the Community family allowances, the Commission decided that the applicant was no longer entitled to the latter allowances.

In support of her action, the applicant alleges, first, infringement of Article 67(2) of the Staff Regulations. The allowances which she receives from the Belgian authorities are not allowances of like nature to those paid by the Community and so should not give rise to the deduction provided for by that provision.

The applicant next pleads breach of the obligation, laid down in Article 25 of the Staff Regulations, to state the grounds on which any decision relating to a specific individual is based, breach of the principles of the protection of legitimate expectations, legal certainty, equal treatment and sound administration, and of the duty to have regard for the welfare of officials.

She also raises a plea of illegality against the part 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 of the European Communities⁽¹⁾ which amends Article 80(4) of the Staff Regulations without providing for transitional measures. According to the applicant, the withdrawal of the orphans' pension for children whose deceased parent was not an official or member of the temporary staff should have been accompanied by transitional measures enabling officials to make a full actuarial calculation of their position.

⁽¹⁾ OJ L 124, 27.4.2004, p. 1

Action brought on 22 May 2006 — Bergström v Commission

(Case F-64/06)

(2006/C 165/73)

Language of the case: French

Parties

Applicant: Ragnar Bergström (Linkebeek, Belgium) (represented by: T. Bontinck and J. Feld, lawyers)

Defendant: Commission of the European Communities

Form of order sought

The applicant claims that the Tribunal should:

- Annul the specific decision on a transfer from temporary staff status to official status reflected in an instrument of appointment taking effect on 16 September 2005, notified on 28 September 2005;
- Order the Commission of the European Communities to pay the costs.

Pleas in law and main arguments

The applicant was informed on 26 April 2004 that he had been successful in open competition COM/A/3/02, the notice for which was published on 25 July 2002, to form a reserve list for the recruitment of administrators in career bracket A7/A6. After the entry into force of the new Staff Regulations, he was appointed as an official in the same post he occupied as a member of the temporary staff in Grade A*6, step 2, in accordance with Annex XIII to the Staff Regulations.

In support of his action, the applicant pleads infringement of Articles 31 and 62 of the Staff Regulations and Articles 5 and 2 of Annex XIII to the Staff Regulations.

The applicant also claims infringement of the principle of the protection of legitimate expectations, the principle of the protection of acquired rights and the principle of equal treatment between officials in the same grade or career bracket.

Action brought on 22 May 2006 — Pereira Sequeira v Commission

(Case F-65/06)

(2006/C 165/74)

Language of the case: French

Parties

Applicant: Rosa Maria Pereira Sequeira (Brussels, Belgium) (represented by: T. Bontinck and J. Feld, lawyers)

Defendant: Commission of the European Communities