

Action brought on 16 June 2006 — Kyriazi v Commission**(Case F-66/06)**

(2006/C 178/80)

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

Applicant: Kalliopi Kyriazi (Clabecq, Belgium) (represented by: E. Boigelot, lawyer)

Defendant: Commission of the European Communities

Form of order sought

- Annul the decision of 12 September 2005 to appoint the applicant as a probationary official with classification in Grade C*1, step 2, and all consecutive and/or related measures such as the decision to cancel her secretarial allowance and not to restore it following her appointment as an established official;
- Annul the Appointing Authority's decision of 6 March 2006 rejecting the applicant's complaint seeking annulment of the above decision;
- Order the Commission of the European Communities to pay the costs.

Pleas in law and main arguments

The applicant, a successful candidate in the internal competition for change of category COM/PC/04, was a member of the Commission's temporary staff in Grade C*2 (former grade C5) at the time of her inclusion on the list of suitable candidates of that competition and until 31 July 2004. Subsequently, she worked as a temporary employee at the same institution until 1 November 2004, the date on which she was again recruited as a member of the temporary staff and classified in Grade C*1, without the benefit of the secretarial allowance which she had received under the previous contract. On 16 April 2005, she was appointed as a probationary official, with that same classification.

In support of her action, the applicant claims that the administration has infringed Article 31(1) and the second paragraph of Article 25 of the Staff Regulations and Articles 5 and 18 of Annex XIII thereto. She also alleges infringement of essential procedural requirements and the provisions of the competition notice and disregard of a number of general principles of law, in particular the principle of the protection of legitimate expectations, the principle of legal certainty, the principle of sound administration and the principle of equal treatment.

The applicant considers further that 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⁾ is unlawful as to the part which inserts Article 5(4) of Annex XIII to the Staff Regulations, in so far as the Appointing Authority construes that provision as allowing it to classify the applicant in Grade C*1, step 2, in breach of the requirements laid down by Article 31 of the Staff Regulations and a number of principles of law.

⁽¹⁾ OJ L 124, 27.4.2004, p. 1.

Action brought on 16 June 2006 — Lesniak v Commission**(Case F-67/06)**

(2006/C 178/81)

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

Applicant: Christophe Lesniak (Brussels, Belgium) (represented by: S. Orlandi, A. Coolen, J.-N. Louis and E. Marchal, lawyers)

Defendant: Commission of the European Communities