

In his action, the applicant challenges Europol's decision to renew that contract for two years only. He claims that, from the time he took up his new post under the new contract, Europol should have treated him not as a staff member to whom the authorities of his State of origin had granted unpaid special leave, but as a staff member who was no longer linked to those authorities. The distinction is relevant because, in the first case, the second indent of Article 6 of the Staff Regulations applicable to Europol employees, permitting renewal for a period of two years, is to be applied, while in the second case the third indent of that provision, permitting renewal for a period of four years, is to be applied.

The applicant submits that in 2002 he severed all ties with his original employer in the United Kingdom and that he was persuaded that the latter would amend the staff roll as a result. Even were it to be established that, in fact, the United Kingdom authorities did not remove him from that roll, the applicant claims that he himself should not in any event have to bear the consequences of that negligence.

Action brought on 16 May 2006 — Balázs Dániel Simon v Court of Justice and Commission

(Case F-58/06)

(2006/C 190/65)

Language of the case: Hungarian

Parties

Applicant(s): Balázs Dániel Simon (Brussels (Belgium)) (represented by: György Magyar, lawyer)

Defendant: Court of Justice of the European Communities (represented by: Marc Schauss) and Commission of the European Communities

Form of order sought

— annul in their entirety the decision of the appointing authority of the Court of Justice of 21 July 2005 rejecting the applicant's request to be transferred, the decision of 27 September 2005 confirming that decision and the decision of 15 February 2006 rejecting the complaint lodged by the applicant against the previous decisions, and also the decision of the appointing authority of the Commission of 3 October 2005 rejecting the applicant's appointment and

the decision of 16 February 2006 rejecting the complaint lodged by the applicant against that decision;

- order the defendants to make good the harm caused to the applicant by the annulled decisions, and
- order the defendants to pay the costs.

Pleas in law and main arguments

The applicant, who is currently an official of the Commission, took up a post at the Court of Justice as a lawyer/linguist in Grade A*7 following competition EPSO/LA/12/03. He applied for a vacant post at the Commission and in May 2005 requested to be transferred. The Court rejected his request. The applicant again submitted his candidature to the Commission after the Commission had published a vacancy notice. Although the Commission chose the applicant for that post, it did not take the measures necessary for his transfer. Then, after the applicant left the service of the Court, the Commission engaged him as a successful candidate in competition EPSO/A/4/03 in Grade A*5 with effect from 2 March 2006.

The applicant seeks annulment of the decisions of 21 July 2005, 27 September 2005, 3 October 2005 and 16 February 2006; he relies on a failure to state reasons, a manifest error of assessment and a misuse of powers. The applicant also claims, in support of his application for annulment of those decisions, that there has been a breach of Regulation (EC, Euratom) No 723/2004 and of the principles of protection of legitimate expectations and non-discrimination. He seeks annulment of the Commission of the Court of 15 February 2006 on the basis of a manifest error of assessment.

Action brought on 23 June 2006 — Andersson and Others v Commission

(Case F-69/06)

(2006/C 190/66)

Language of the case: French

Parties

Applicants: Tommy Andersson (Brussels, Belgium) and Others (represented by: A. Coolen, J.-N. Louis and E. Marchal, lawyers)

Defendant: Commission of the European Communities