

**Order of the Civil Service Tribunal (Second Chamber) of  
13 July 2006 — E v Commission**

(Case F-5/06) <sup>(1)</sup>

*(Officials — Lawfulness of internal procedures — Allegedly wrongful conduct of officials in the context of disciplinary proceedings and of a procedure for recognition of the occupational nature of a disease — Compensation for damage — Admissibility — Interest in bringing proceedings — Confirmatory act)*

(2006/C 212/84)

Language of the case: French

**Parties**

*Applicant:* E (London, United Kingdom) (represented by: S. Rodrigues and Y. Minatchy, lawyers)

*Defendant:* Commission of the European Communities (represented by: J. Currall and V. Joris, Agents)

**Re:**

Annulment of the Appointing Authority's decision of 4 October 2005 dismissing the applicant's complaint concerning the checking of the lawfulness of disciplinary proceedings and of a procedure for recognition of the applicant's occupational disease, and a claim for damages.

**Operative part of the order**

1. *The action is dismissed as clearly inadmissible.*
2. *The parties shall each bear their own costs.*

<sup>(1)</sup> OJ C 74, 25.3.2006.

**Action brought on 22 June 2006 — Bakema v Commission**

(Case F-68/06)

(2006/C 212/85)

Language of the case: English

**Parties**

*Applicant:* Reint Jacob Bakema (Zuidlaren, the Netherlands) (represented by: L. Rijpkema, lawyer)

*Defendant:* Commission of the European Communities

**Form of order sought**

- Annul the decision of the authority authorised to conclude contracts of employment (AACC) dated 22 March 2006;
- Order the AACC to engage the applicant in function group IV, grade 16;
- Declare that the applicant must be granted an adequate sum by way of damages.

**Pleas in law and main arguments**

The applicant, a former member of the so-called local technical assistance staff (ALAT), has been engaged as a member of the contract staff and classified in function group IV, grade 14.

In his action, the applicant claims that the defendant made inaccurate application of the relevant legislation, especially of Article 82 (2) (c) of the Conditions of Employment of Other Servants of the Communities (CEOS) and Article 2 of General Implementation Provisions (GIP) 49-2004. The applicant submits that the defendant's interpretation of the term 'diploma' contained in those articles is inaccurate and arbitrary. In the calculation of his professional experience, the defendant should have taken into consideration all the activities the applicant carried out after obtaining his 'kandidaatsdiploma'.

The applicant further claims that, even if he used to be a member of ALAT before his engagement as a member of contract staff, the principle laid down in Article 86 of the CEOS should be applied to his case. According to that principle, where an agent moves to a new post within a function group, he shall not be classified in a lower grade or step than in his former post.

**Action brought on 17 July 2006 — Lofaro v Commission**

(Case F-75/06)

(2006/C 212/86)

Language of the case: French

**Parties**

*Applicant:* Alessandro Lofaro (Brussels, Belgium) (represented by: J.-L. Laffineur, lawyer)

*Defendant:* Commission of the European Communities

**Form of order sought**

- annul the decision of 28 September 2005 to dismiss the applicant at the end of his probationary period and the report at the expiry of the probationary period on which that decision was based;