

**Action brought on 20 July 2006 — Simona Suhadolnik v  
Court of Justice of the European Communities**

(Case F-78/06)

(2006/C 237/29)

*Language of the case: French*

**Parties**

*Applicant:* Simona Suhadolnik (Howald, Luxembourg) (represented by: S. Rodrigues, A. Jaume and C. Bernard-Glanz, lawyers)

*Defendant:* Court of Justice of the European Communities

**Form of order sought**

- annul the decision of the appointing authority of the Court of Justice refusing the applicant's complaint;
- annul the decision to establish the applicant of 22 July 2005 insofar as it determines her grade pursuant to Article 12(3) of Annex XIII of the Staff Regulations, and determines her step in accordance with the new version of Article 32 of the Staff Regulations;
- reclassify the applicant in grade C\*3, or, at least, in grade C\*2, as well as at the step corresponding to her qualifications and professional experience, which she would have been granted if she had been appointed before 1 May 2004, with retroactive effect from the date on which she took up her duties;
- order the defendant to compensate the applicant for damage suffered (default interest, damage to her career, pension rights etc.);
- order the defendant to pay default interest, from the date of the decision to be adopted;
- order the defendant to pay the costs.

**Pleas in law and main arguments**

By the appointing authority's decision of 22 July 2005, the applicant, who was a successful candidate in open competition EPSO/C/9/03 held for the purpose of constituting a reserve list for the recruitment of Cypriot, Czech, Estonian, Hungarian, Lithuanian, Latvian, Maltese, Polish, Slovene and Slovak typists (C5/C4),<sup>1</sup> was appointed as an official of the European Community and classified at grade C\*1, step (1).

In her application, the applicant takes issue with her classification and calls into question first, Article 12(3) of Annex XIII to the Staff Regulations, on which the appointing authority relied in determining her grade, and, second, the new version of Article 32 of the Staff Regulations, on which the appointing authority relied to determine her step.

As regards her classification in grade, the applicant pleads principally that Article 12(3) of Annex XIII to the Staff Regulations, which governs the status of officials who have been included on a list of suitable candidates, does not apply to successful competition candidates, as they cannot be considered as officials.

In the alternative, the applicant submits a plea of illegality in relation to Article 12(3) of Annex XIII to the Staff Regulations on the grounds, in particular, that this provision infringes: (i) the principle of non-discrimination, (ii) the principle of freedom of movement for workers, (iii) the principles of protection of legitimate expectations and legal certainty, (iv) the principle of proportionality, (v) the principle of good administration and the duty to have regard for the welfare of officials, (vi) Article 31 of the Staff Regulations, and (vii) Article 10 of the Staff Regulations.

As regards her classification in step, the applicant considers that the appointing authority breached its duty to protect her legitimate expectation that she would be granted a step bonus, as a result of her professional experience, under the version of Article 32 of the Staff Regulations in force before 1 May 2004.

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(1) OJ C 120, 22.5.2003, p. 30.

**Action brought on 24 July 2006 — Caló v Commission**

(Case F-79/06)

(2006/C 237/30)

*Language of the case: French*

**Parties**

*Applicant:* Giuseppe Caló (Luxembourg, Luxembourg) (represented by: S. Orlandi, A. Coolen, J.-N. Louis and E. Marchal, lawyers)

*Defendant:* Commission of the European Communities

**Form of order sought**

- Annulment of the decisions of the Director-General of DG Eurostat providing for, first, the reorganisation of that DG by way of acts changing the duties assigned to directors and, second, the rejection of the applicant's request to be appointed to one of the vacant posts of director, or one that might become vacant.
- An order that the defendant should pay the costs.