

**Order of the Civil Service Tribunal of 19 September 2006**  
— **Vienne and Others v Parliament**

(Case F-22/06) <sup>(1)</sup>

**(Refusal of assistance under Article 24 of the Staff Regulations — Transfer of pension rights acquired in Belgium — Inadmissibility)**

(2006/C 261/68)

Language of the case: French

**Parties**

*Applicants:* Philippe Vienne (Bascharage, Luxembourg) and Others (represented by: G. Bounéou and F. Frabetti, lawyers)

*Defendant:* European Parliament (represented by: F. De Wachter, M. Mustapha-Pacha and K. Zejdova, Agents)

**Re:**

First, annulment of the European Parliament's decision rejecting the requests for assistance brought by the applicants in connection with the transfer of their pension rights acquired in Belgium and, secondly, an application for damages.

**Operative part of the order**

1. *The action is dismissed as manifestly inadmissible.*
2. *Each party is to bear its own costs.*

<sup>(1)</sup> OJ C 108, 6.5.2006.

**Action brought on 21 July 2006 — Duyster v Commission**

(Case F-80/06)

(2006/C 261/69)

Language of the case: Dutch

**Parties**

*Applicant:* Tineke Duyster (Oetrangle, Luxembourg) (represented by: W.H.A.M. van den Muijsenbergh, lawyer)

*Defendant:* Commission of the European Communities

**Form of order sought by the applicant**

The applicant claims that the Court should:

- declare the action admissible or, in the alternative, in part admissible;
- annul the Appointing Authority's decisions of 22 December 2005 and 11 May 2006 or, in the alternative, annul them in part;
- hold that no legal rule precludes the applicant from applying for her parental leave to be withdrawn in reliance on Article 2 of the General Provisions for Implementing Article 42a of the Staff Regulations relating to Parental Leave ('GPI');
- find that the defendant has advanced no valid argument or legal reason precluding the conclusion that the applicant is in active employment;
- find that the defendant has advanced no argument for depriving the applicant of the benefits connected with the administrative position of active employment;
- in the alternative, hold that no legal rule precludes the defendant from a balancing of interests, in which it applies Article 2(4) of the GPI and adopts a decision on that basis in respect of the withdrawal of parental leave;
- in the further alternative, uphold in part one or more of the above claims;
- order the defendant to pay the costs, including those of the legal assistance relating to the decision adopted following the applicant's request of 6 December 2005.

**Pleas in law and main arguments**

In Cases F-51/05 <sup>(1)</sup> and F-18/06 <sup>(2)</sup>, the applicant has already challenged the Commission's giving her parental leave for the period from 1 November 2004 to 30 April 2005 and, then, by letter of 17 November 2005, fixing 8 November 2004 as the date when the parental leave started.

On 6 December 2005, the applicant made a request based on, among others things, Article 90(1) of the Staff Regulations and on the GPI in respect of parental leave. She sought the annulment of the parental leave referred to in the Appointing Authority's letter. On 22 December 2005, the Appointing Authority's declared that request inadmissible. The applicant then lodged, on 14 February 2006, a complaint under Article 90(2) of the Staff Regulations against the decision of 22 December 2005. On 16 May 2006, the Appointing Authority also declared that complaint inadmissible in a decision of only a few lines.