

In support of her action against the inadmissibility decisions, the applicant pleads, in particular: (i) mistakes of fact on which the decisions are based; (ii) infringement of the content and purpose of Article 90(1) and (2) of the Staff Regulations; (iii) contradictions; (iv) the decision's lack of clarity; (v) infringement of the content and purpose of Article 42a of the Staff Regulations; (vi) infringement of the content and purpose of Article 2 of the GPI; (vii) failure to follow the case-law; (viii) infringement of the content and purpose of Article 25 of the Staff Regulations; (ix) breach of the principles of proportionality, protection of legitimate expectations, equal treatment and legal certainty, as well as breach of the principle of balancing the relevant interests, non-compliance with the employer's duty to provide information and breach of the principle of sound administration; (x) lack of foundation for the Appointing Authority's statement that the contents of the applicant's request already forms part of Case F-51/05.

The applicant also puts forward the arguments by which she submits that it is possible to rule favourably on the substance of her request. She pleads, among other matters, new circumstances justifying the making of a further request (even with retrospective effect), the content and purpose of Article 42a of the Staff Regulations, the content of the GPI, in particular, Article 2(4) thereof, Articles 35, 36, 59 and 62 of the Staff Regulations and breach of the legal principles cited above under (x).

(¹) OJ C 217, 3.9.2005 (Case initially registered in the Court of First Instance of the European Communities under No T-249/05 and transferred to the European Union Civil Service Tribunal by order of 15.12.2005).

(²) OJ C 154, 1.7.2006.

Action brought on 21 July 2006 — Duyster v Commission

(Case F-81/06)

(2006/C 261/70)

Language of the case: Dutch

Parties

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

Defendant: Commission of the European Communities

Form of order sought

The applicant claims that the Tribunal should:

- declare the appeal inadmissible in its entirety;
- annul the decisions of the Appointing Authority of 8 November 2005 and of 11 May 2006;
- grant the applicant damages for the loss suffered;
- in the alternative, grant wholly or in part the forms of order sought above or adopt a decision granting the applicant's requests of 5 and 13 July 2005;
- order the defendant to pay the costs.

Pleas in law and main arguments

In Cases F-51/06 (¹) and F-18/06 (²), the applicant has already challenged the fact that the Commission first granted her parental leave in respect of the period from 1 November 2004 to 30 April 2005 and then, by letter of 17 November 2005, fixed the starting date of her parental leave at 8 November 2004.

In this case, the applicant challenges the decisions by which the Commission rejected as inadmissible her requests submitted in order to obtain damages under Article 288 EC and Article 90(1) of the Staff Regulations of Officials, concerning approximately 50 objections relating to allegedly negligent acts committed by the Commission's departments.

In support of her action against the decisions of inadmissibility, the applicant alleges, inter alia: (i) that the decisions were based on incorrect facts (ii) infringement of the content and rationale of Article 90(1) and (2) of the Staff Regulations; (iii) that the decisions are contradictory; (iv) that the decisions lack clarity; (v) that the Appointing Authority is incorrectly interpreting and/or applying the case-law relating to Article 288 EC and Article 90 of the Staff Regulations; (vi) that the Appointing Authority uses misconceived arguments; (vii) infringement of the principles of proportionality, the protection of legitimate expectations, equal treatment and legal certainty, and infringement of the principle that different interests must be weighed against each other, failure to observe the employer's duty to provide information, and infringement of the principle of sound administration and the right to a legal remedy.

(¹) OJ C 217, 3.9.2005 (case initially registered before the Court of First Instance of the European Communities under number T-249/05 and transferred to the Civil Service Tribunal of the European Union by Order of 15.12.2005).

(²) OJ C 154, 1.7.2006