

Form of order sought

The applicant claims that the Tribunal should:

- annul that part of the decision of the Appointing Authority of 18 April 2006 which concerns: (a) the Appointing Authority's implied refusal to adapt the applicant's salary in accordance with the Staff Regulations in respect of a dependent child for whom he has alternating custody, (b) the Appointing Authority's refusal to pay the child's travel expenses to the applicant's place of origin, in accordance with the Staff Regulations;
- order the retrospective payment of those sums with added interest;
- order the defendant to pay the costs.

Pleas in law and main arguments

The applicant, a Commission official with alternating custody of a child whose mother is also an official of the European Communities, requested, on his return to Brussels after a period of secondment outside Europe, payment to him of the allowances and advantages relating to the child. The official dealing with the file called for the production of the original of a declaration of agreement between the former spouses on the readjustment of the applicant's rights in the present case. Since that declaration was only produced by email, the authorities did not grant the applicant's requests.

In support of his action, the applicant pleads infringement of Article 67 of the Staff Regulations and of Articles 7 and 8 of Annex VII to the Staff Regulations, as interpreted by case-law. He submits, inter alia, that the authorities' discretion is not unlimited and they have a duty to comply with the principles of sound administration and proportionality. Also, the supporting documents required must be directly linked to the payment requested and they must be referred to by the applicable provisions, or they must be absolutely necessary in order to set the amount to be paid.

Action brought on 24 August 2006 — Lohiniva v Commission

(Case F-98/06)

(2006/C 281/81)

*Language of the case: Finnish***Parties**

Applicant: Risto Lohiniva (Brussels, Belgium) (represented by: V. Teperi, lawyer)

Defendant: Commission of the European Communities

Form of order sought

- annul the decision of the Appointing Authority of 30 May 2006 rejecting the complaint brought by the applicant;
- decide that the applicant continues to have the right to transfer to Finland 35 % of his net salary, an amount which is adjusted by the transfer coefficient for that country, from 16 January 2006;
- order the defendant to pay the costs.

Pleas in law and main arguments

The applicant was transferring to Finland, his country of origin, a part of his salary, as multiplied by a coefficient, in accordance with Article 17 of Annex VII to the old Staff Regulations. In the context of a programme of exchange of officials between the Commission and the Member States, he was transferred to Finland during the years 2004 and 2005. During this period, the Commission paid him all of his salary in Finland, increased by the application of the transfer coefficient. In January 2006, upon his return to Brussels, the applicant was refused the right to resume the transfer to Finland of the part of his salary that he had been transferring before his move. In that regard, the administration pointed out that the abovementioned provision had been amended following the entry into force of the new Staff Regulations, and that the applicant did not satisfy the condition laid down in Article 17(2)(a) of Annex XIII to the Staff Regulations for the preservation of that benefit.

In his application, the applicant submits that, since he benefited from the transfer both during the time of his posting to Finland and before, his case falls within the circumstances envisaged by Article 17(2)(a) of Annex XIII to the Staff Regulations.

Action brought on 4 September 2006 — Lübking and Others v Commission

(Case F-105/06)

(2006/C 281/82)

*Language of the case: French***Parties**

Applicants: Johannes Lübking (Brussels, Belgium) and Others (represented by: B. Cortese and C. Cortese, lawyers)

Defendant: Commission of the European Communities