

**Pleas in law and main arguments**

The applicant, a Commission official of Dutch nationality, requested that his partnership with Ms H, a cohabitation agreement drawn up before a notary and recognised under Dutch law, be taken into consideration in order that his partner could benefit from the Community sickness insurance scheme. The administration rejected the request, even after the applicant produced a certificate from his country's Embassy in Luxembourg, which stated that the contract in question does indeed confer the status of stable non-marital partners on the applicant and his companion.

In support of his action, the applicant relies on a plea of infringement of Article 72 of the Staff Regulations, of Article 1(2)(c)(i) of Annex VII thereof, and of Article 12 of the Rules on the insurance of officials of the European Communities against the risk of accident and of occupational disease. He also pleads a manifest error of assessment, breach of the obligation to give reasons and failure to observe general principles of law, in particular the principle of non-discrimination and equal treatment between officials.

**Action brought on 30 October 2006 — Deffaa v Commission**

(Case F-125/06)

(2006/C 310/68)

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

*Applicant:* Walter Deffaa (Brussels, Belgium) (represented by: S. Orlandi, A. Coolen, J.-N. Louis and E. Marchal, lawyers)

*Defendant:* Commission of the European Communities

**Form of order sought**

- annul the decision of the President of the Commission of 12 January 2006 in so far as it classifies the applicant, who was promoted to Director-General of DG Internal Audit Service, at Grade A\*15, step 4, with effect from 1 August 2004;
- in the alternative, annul that decision in that it refuses the applicant the advance in step provided for in Article 44(2) of the Staff Regulations;
- order the defendant to pay the costs.

**Pleas in law and main arguments**

When he was Director of the DG for Budget and classed at Grade A2 (now A\*15), the applicant applied for the position of Director-General (Grade A1) of DG Internal Audit Service, advertised in vacancy notice COM/228/03<sup>(1)</sup>. His application being successful, he was promoted to the abovementioned position and classed in Grade A\*15, step 4.

In support of his action, the applicant first submits that the contested decision infringes both Article 45 of the Staff Regulations, according to which promotion entails the appointment of the official to the next higher grade in the function group to which he belongs, and the vacancy notice which forms, according to Community case-law, the legal framework within which the procedure must be carried out.

The applicant also pleads that the case-law according to which it is the vacancy notice which sets the precise level at which the post will be filled, and Article 31 of the Staff Regulations were disregarded.

Finally, in the alternative, the applicant submits that the Commission, by refusing the advancement in step provided for in Article 44(2) of the Staff Regulations, wrongly restricted the scope of that provision, on the basis in particular of a mistaken interpretation of Article 7(4) of Annex XIII to the Staff Regulations, which provides for an increase in the monthly salary which, according to the applicant, is not connected to the advancement in step.

<sup>(1)</sup> OJ C 301 A, 12.12.2003, p. 1.

**Action brought on 30 October 2006 — Mangazzù v Commission**

(Case F-126/06)

(2006/C 310/69)

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

*Applicant:* Salvatore Mangazzù (Brussels, Belgium) (represented by: T. Bontinck and J. Feld, lawyers)

*Defendant:* Commission of the European Communities