

The applicant also alleges, first, a complete failure to give reasons for the decisions concerning her which were adopted by the General Secretariat of the Court of Auditors and, secondly, illegalities in the disciplinary procedures followed by that institution.

The applicant adds that the contested decision is vitiated by a manifest error of assessment as regards the nature of her illness, which indeed deteriorated due to her return to work and the stress linked to her carrying out her professional duties.

Action brought on 3 November 2006 — H v Council

(Case F-127/06)

(2006/C 326/171)

Language of the case: French

Parties

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

Defendant: Council of the European Union

Forms of order sought

- annul the Council's decision of 15 March 2006 automatically to retire the applicant on 31 March 2006 in so far as it allows her an invalidity pension pursuant to the first paragraph of Article 78 of the Staff Regulations;
- order the defendant to pay the costs.

Pleas in law and main arguments

The applicant, who was retired with effect from 30 April 2003 due to her invalidity, was reintegrated on 1 November 2004. Following a number of absences due to illness, the Council once again retired her and granted her the invalidity allowance provided for in the first paragraph of Article 78 of the Staff Regulations, with effect from 1 April 2006.

In support of her action, the applicant claims that the Invalidity Committee did not rule on the origin of her illness or on a possible causal link between the deterioration of her illness and her working conditions. In those circumstances, the Council did not have the necessary information to determine whether the applicant was entitled to the allowance provided for by the first paragraph of Article 78 of the Staff Regulations or the one provided for in the fifth paragraph of that article. The Council's choice, less favourable to the applicant, is unlawful.

Action brought on 16 November 2006 — Salvador Roldán v Commission

(Case F-129/06)

(2006/C 326/172)

Language of the case: English

Parties

Applicant: Rocío Salvador Roldán (Brussels, Belgium) (represented by: F. Tuytschaever and H. Burez, lawyers)

Defendant: Commission of the European Communities

Form of order sought

The applicant claims that the Tribunal should:

- annul the Decision of the Appointing Authority in response to the complaint lodged by the applicant (No R/320/06) of 18 August 2006;
- order the defendant to pay the applicant the amounts corresponding to the expatriation allowance to which she is entitled, with effect from 1 April 2006, together with a default interest of 7 % from the date each amount fell due until the actual date of payment;
- order the defendant to pay the costs.

Pleas in law and main arguments

The application is based upon two pleas in law:

- 1) The applicant contests the Commission's conclusion according to which she does not comply with the condition provided for in the second indent of Article 4(1)(a) of Annex VII to the Staff Regulations for the payment of the expatriation allowance. The applicant claims that the contested decision incorrectly holds that she habitually resided in Belgium during the reference period. In particular, in her opinion, the provision of services by the applicant to an international law firm established in Belgium does not entail the consequence that she had established lasting ties in that Member State.