

EUROPEAN UNION CIVIL SERVICE TRIBUNAL

Action brought on 31 October 2006 — Molina Solano v
Europol

(Case F-124/06)

(2007/C 20/57)

Language of the case: Dutch

Parties

Applicant: Beatriz Molina Solano (Rijswijk, Netherlands) (represented by: D.C. Coppens, lawyer)

Defendant: European Police Office (Europol)

Form of order sought

The Tribunal is asked to:

- annul the decision taken on the applicant's complaint by Europol on 1 August 2006 and Europol's initial decision of 27 January 2006;
- order Europol to award the applicant an incremental point with effect from 1 January 2005;
- order Europol to pay the costs.

Pleas in law and main arguments

Following a complaint, Europol awarded the applicant one of the incremental points referred to in paragraph 2 of Article 29 of the Europol Staff Regulations with effect from 1 July 2005. In her action, the applicant asks that that incremental point should be awarded to her with effect from 1 January 2005. In support of her claims, she asserts that, according to the policy for managing incremental points which Europol was applying at the time of the facts at issue, the mark which she had obtained gave her the right to a step with effect from 1 January 2005. In denying her this benefit, which had been accorded to other agents who had received comparable marks, Europol was in breach of the principle of equal treatment. The applicant relies in addition on breach of the principles of legal certainty and impartiality, and the prohibition on acting arbitrarily.

Action brought on 30 November 2006 — Reali v
Commission

(Case F-136/06)

(2007/C 20/58)

Language of the case: English

Parties

Applicant: Enzo Reali (Sofia, Bulgaria) (represented by: S. A. Pappas, Lawyer)

Defendant: Commission of the European Communities

Form of order sought

The applicant claims that the Tribunal should:

- Annul the Decision of the authority authorised to conclude contracts of employment dated 30 August 2006 in response to the complaint lodged on 7 July 2006 by Mr Enzo Reali;
- Order the defendant to pay the costs.

Pleas in law and main arguments

The applicant is a contractual agent classified in Fonction Group IV, grade 14. He claims that he should have been classified in grade 16, because in the calculation of his professional experience the Commission should have considered his degree (Laurea in Scienze Agrarie) as a Bachelor Degree plus a Master.

In support of his action, the applicant pleads that:

- The Commission breached Directive 89/48/EEC ⁽¹⁾, as amended by Directive 2001/19/EC ⁽²⁾, and the principle of subsidiarity, by refusing to recognise that the Applicant's degree is equivalent to a 'Bachelor Degree plus a Master' even though the equivalence had previously been clearly recognised at national level by his University;
- The Commission breached the principle of non-discrimination by unduly refusing to count the Applicant's Master as a year of professional experience;
- The attacked decision is illegal due to a manifest error of assessment in the calculation of the professional experience of the Applicant and to a lack of motivation;