

— The rejection of the complaint is based on implementing measures [Article 3 (1) (c) of the General implementing provisions on the procedures governing the engagement and the use of contract staff at the Commission] that are beyond the power delegated to the Commission by Article 86 (6) of the Conditions of Employment of Other Servants of the Communities.

(¹) Council Directive 89/48/EEC of 21 December 1988 on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration (OJ 1989 L 19, p. 16).

(²) Directive 2001/19/EC of the European Parliament and of the Council of 14 May 2001 amending Council Directives 89/48/EEC and 92/51/EEC on the general system for the recognition of professional qualifications and Council Directives 77/452/EEC, 77/453/EEC, 78/686/EEC, 78/687/EEC, 78/1026/EEC, 78/1027/EEC, 80/154/EEC, 80/155/EEC, 85/384/EEC, 85/432/EEC, 85/433/EEC and 93/16/EEC concerning the professions of nurse responsible for general care, dental practitioner, veterinary surgeon, midwife, architect, pharmacist and doctor (OJ L 2006, p. 1).

Action brought on 27 November 2006 — Chassagne v Commission

(Case F-137/06)

(2007/C 20/59)

Language of the case: French

Parties

Applicant: Olivier Chassagne (Brussels, Belgium) (represented by: S. Rodrigues and C. Bernard-Glanz)

Defendant: Commission of the European Communities

Form of order sought

— annul the decision of the Appointing Authority refusing to take an express decision concerning the fixing of the date of the first taking up of post for the applicant, so far as that refusal follows implicitly from the decision of the Appointing Authority of 14 January 2006;

— annul, so far as is necessary, the decision of the Appointing Authority rejecting the applicant's complaint;

— state to the Appointing Authority the consequences of the annulment of the contested decisions, and, in particular, that it should take an express decision by which it recognises that the date of 1 July 2002 amounts to a first taking up of

post within the meaning of Article 12(d) of the Protocol on the Privileges and Immunities of the European Communities ('PPI');

— order the Appointing Authority to pay to the applicant: (i) the sum of EUR 9 523,26 by way of compensation for his material loss, plus default interest at the statutory rate from the date on which it becomes due; (ii) the sum of EUR 5 000, by way of compensation for his non-material loss, plus default interest at the statutory rate from the date on which it becomes due;

— reserve judgment concerning that part of the material loss which still cannot be liquidated and which is represented by the costs that the applicant has incurred since 18 April 2006 and continues to incur in the framework of the dispute between him and the Belgian tax authorities before Belgian national courts concerning the fixing of the date of his first taking up of post;

— order the defendant to pay the costs.

Pleas in law and main arguments

In support of his claim, the applicant relies on the following grounds:

— infringement of Article 18 of the PPI;

— infringement of Article 26 of the Staff Regulations, of the principle of sound administration and of the duty to have regard for the welfare of officials;

— infringement of the principle of the protection of legitimate expectations and the existence of a manifest error of assessment.

Action brought on 11 December 2006 — Kurrer v Commission

(Case F-139/06)

(2007/C 20/60)

Language of the case: French

Parties

Applicant: Christian Kurrer (Watermael-Boitsfort, Belgium) (represented by: S. Orlandi, A. Coolen, J.-N. Louis and E. Marchal, lawyers)

Defendant: Commission of the European Communities