

Form of order sought

The Tribunal is asked to:

- Annul the decision of the Commission to approve the applicant a probationary official with effect from 1 April 2006 inasmuch as that decision fixes his grade and step as A*6/2 and does not take into account the points he accumulated as a 'research' temporary agent;
- Order the defendant to pay the costs.

Pleas in law and main arguments

On 16 January 2004, the applicant entered the service of the Commission as a 'research' temporary agent in Grade A7. As a successful candidate in Open Competition COM/A/3/02 published on 25 July 2002 to constitute a reserve list for the recruitment of administrators in career bracket A7/A6, he was appointed a probationary official in Grade A*6.

In view of the undertaking made by the Commission to extend the effects of possible annulment in pending cases concerning Article 12 of Annex XIII to the Staff Regulations, the applicant confines himself to relying on breach of the principle of equal treatment and non-discrimination in relation to former colleagues, also 'research' temporary agents, who had been successful in internal competitions and, when established as officials, retained their grade and accumulated points.

The applicant further asserts in so far as is necessary, that Article 5(4) of Annex XIII to the Staff Regulations is unlawful, to the extent that it fails to comply with the above-mentioned principle and the principle of proportionality.

Action brought on 11 December 2006 — Hartwig v Commission and Parliament

(Case F-141/06)

(2007/C 20/61)

Language of the case: French

Parties

Applicant: Marc Hartwig (Brussels, Belgium) (represented by: T. Bontinck, lawyer)

Defendant: Commission of the European Communities and European Parliament

Form of order sought

- annul the individual decisions of the Commission of the European Communities and of the European Parliament of

12 April 2006 and of 27 March 2006 respectively, concerning a transfer from the status of a member of temporary staff to the status of official;

- Order the defendants to pay the costs.

Pleas in law and main arguments

The applicant, after working for a number of years at the Commission as a member of temporary staff in Grade B*7, passed open competition PE/34/B of the European Parliament (Grade B5/B4). Subsequently, he was appointed as a probationary official in Grade B*3 by the latter institution, which immediately transferred him to the Commission, where he was classified in that same grade.

In support of his action, the applicant pleads infringement of Articles 31 and 62 of the Staff Regulations and Articles 5 and 2 of Annex XIII thereto.

The applicant pleads, moreover, breach of the principle of the protection of legitimate expectations and of the principle of maintenance of rights acquired.

Action brought on 28 December 2006 — Bligny v Commission

(Case F-142/06)

(2007/C 20/62)

Language of the case: French

Parties

Applicant: Francesco Bligny (Tassin-la-Demi-Lune, France) (represented by: P. Lebel-Nourissat, avocat)

Defendant: Commission of the European Communities

Form of order sought

- annul the decision of the selection board for competition EPSO/AD/06/05 of 7 December 2006 and that of 23 November 2006, refusing to admit the applicant to the competition and therefore to correct his written test;
- find that the application form published on 15 May 2006 on the EPSO internet site for use by candidates of the competition was improper;
- order the defendant to pay to the applicant the sum of EUR 5 000 in compensation for his loss;
- Order the defendant to pay the costs.