

EUROPEAN UNION CIVIL SERVICE TRIBUNAL

Action brought on 23 February 2007 — Pouzol v Court of Auditors

(Case F-17/07)

(2007/C 117/54)

Language of the case: French

Parties

Applicant: Michel Pouzol (Chemin des Peyridisses, France) (represented by: D. Grisay, I. Andoulsi and D. Piccininno, lawyers)

Defendant: European Court of Auditors

Form of order sought

- annul the decision of the Court of Auditors of 23 November 2006 and the decision of the Commission of the European Communities of 18 May 2006;
- grant the applicant a supplementary premium in his years of pensionable service of 6 years, 10 months and 1 day, that is, an overall premium in the years of pensionable service of 10 years, 3 months and 24 days;
- order the Court of Auditors to translate that premium in the years of pensionable service into a pension supplement for the applicant of EUR 1 232,32 per month;
- order the Court of Auditors to pay compensation for the financial loss suffered by the applicant, assessed at the date when this application was lodged to be EUR 17 252,48 (that is, a shortfall for the applicant of EUR 1 232,32 per month, from his retirement on 1 January 2006, until 1 March 2007);
- order the Court of Auditors to pay compensation for the non-material harm suffered by the applicant over more than 13 years, the amount of damages to be established subsequently in an amicable settlement between the parties;
- order the Court of Auditors to pay the costs.

Pleas in law and main arguments

The applicant, a former Court of Auditors official now retired, disputes in particular the calculation of the transfer of the pension rights which he had acquired in France to the Community scheme, in so far as that calculation does not take into account pension rights acquired from the Association des régimes de retraites complémentaires (Association of Supplementary Pension Schemes) (ARRCO) and the Association générale des institutions de retraite des cadres (General Association of Pension Institutions for Managerial Staff) (AGIRC).

In support of his action, the applicant is putting forward four pleas alleging, respectively: (i) the infringement of a number of provisions of the Staff Regulations of Officials and Annex VIII thereto (in particular, of Article 11(2) and Article 26 of that annex); (ii) breach of the duty to have regard for the welfare of officials and the duty to provide assistance referred to in Article 24 of the Staff Regulations of Officials; (iii) infringement of the principle of equal treatment and non-discrimination; (iv) infringement of the principle of the protection of legitimate expectations.

Action brought on 19 March 2007 — M v EMEA

(Case F-23/07)

(2007/C 117/55)

Language of the case: French

Parties

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

Defendant: European Agency for the Evaluation of Medicinal Products (EMA)

Form of order sought

- Annul the decision of 25 October 2006 by which the Executive Director of the EMA refused the applicant's request for referral to the Invalidation Committee;
- Order the EMA to pay to the applicant the sum of EUR 100 000 by way of damages for breach of administrative duty;
- Order the defendant to pay the costs.

Pleas in law and main arguments

On 17 March 2005, the applicant, a member of temporary staff with the EMA, suffered an accident at work, as a result of which it is alleged that he became incapable of doing his job. On 14 February 2006, he was informed that his contract would not be renewed beyond 15 October 2006. His request for referral to the Invalidation Committee was rejected.