

In addition, the applicants plead breach of the principle of the protection of legitimate expectations, since they legitimately expected to be recruited in the grade indicated in the notice of the competition for filling the posts for which they applied.

⁽¹⁾ OJ C 182 A of 31.07.2002, p. 8.

⁽²⁾ OJ L 124 of 27.04.2004, p. 1.

Action brought on 10 May 2007 — Prieto v Parliament

(Case F-42/07)

(2007/C 140/75)

Language of the case: French

Parties

Applicant: Antonio Prieto (Bousval, Belgium) (represented by: E. Boigelot, lawyer)

Defendant: European Parliament

Form of order sought

The applicant claims that the Tribunal should:

- annul the European Parliament's decision of 9 June 2006 to appoint the applicant as a probationary official in step 3 of Grade AST 2;
- order the defendant to pay the costs.

Pleas in law and main arguments

The applicant, a successful candidate in internal competition C/348 for Grades C5-4, was a member of the Commission's temporary staff in Grade AST 3 (formerly Grade C4) when he was appointed as a probationary official in Grade AST 2.

In support of his action, the applicant claims, first, that the decision to appoint him as an official in a grade and step lower than that which was his when he was a member of the temporary staff infringes Article 5(4) of Annex XIII to the Staff Regulations of Officials of the European Communities ('the Staff Regulations').

The applicant also pleads breach of the principle of equal treatment and non-discrimination, on the ground that only the successful candidates in the competition in question who were previously, as members of the temporary staff, in category D were able to retain their former more advantageous grade and step when they were appointed as officials.

The applicant claims, finally, that the contested decision also infringes the principles of legal certainty, the protection of legitimate expectations, proper administration and of sound management.
