

The second plea in law alleges infringement of Article 85 of the Staff Regulations inasmuch as the CoR found that the irregularity of the transfers at issue was so apparent that, in view of his legal qualifications, the applicant was or, at the very least, ought to have been aware of it. In that respect, the applicant considers that: (i) in the light of the Conclusion of the Heads of Administration, the building savings account which he opened appeared to correspond to the concept of 'building savings contract' for the purposes of the Common Rules; (ii) bringing the building savings account below the maximum limit in the way he did appeared to comply with those rules; (iii) following reviews in December 2003 and December 2004, his personnel file appeared to be complete and in order; (iv) having only restricted access to his personnel file, he was not in a position to consult the necessary documents in order to review whether the transfers were in order.

Action brought on 18 June 2007 — Martin Bermejo v Commission

(Case F-60/07)

(2007/C 199/100)

Language of the case: French

Parties

Applicant: Joaquin Martin Bermejo (Brussels, Belgium) (represented by: S. Orlandi, A. Coolen, J.-N. Louis and E. Marchal, lawyers)

Defendant: Commission of the European Communities

Form of order sought

- declare the unlawfulness of the Commission decision of 28 April 2004 adopting the new General Implementing Provisions of Article 11 and 12 of Annex VIII to the Staff Regulations and, to the extent that it is necessary, the unlawfulness of those provisions of the Staff Regulations;
- annul the Commission decision of 27 September 2006 inasmuch as it fixes the calculation of credited pension rights transferred by the applicant to the Community pension scheme;
- order the defendant to pay the costs.

Pleas in law and main arguments

The applicant pleads the unlawfulness of the General Implementing Provisions of Article 11 and 12 of Annex VIII to the Staff Regulations on the transfer of pension rights ⁽¹⁾, inasmuch as the rule set out in Article 7(3) thereof infringes Council Regulation (EC) No 1103/97 of 17 June 1997 on certain provisions relating to the introduction of the euro ⁽²⁾ and the principle of

equal treatment, as interpreted by the Civil Service Tribunal in its judgment of 14 November 2006 in Case F-100/05 *Chatzizoannidou v Commission* (not yet published).

⁽¹⁾ Administrative Notice No 60/2004 of 9 June 2004.

⁽²⁾ OJ 1997 L 162, p. 1.

Action brought on 18 June 2007 — Bauch v Commission

(Case F-61/07)

(2007/C 199/101)

Language of the case: German

Parties

Applicant: Gerhard Bauch (Berlin, Germany) (represented by: W. Uhlmann, lawyer)

Defendant: Commission of the European Communities

Form of order sought

- Direct the defendant to amend its certificate of 12 March 2003 or, alternatively, to issue further confirmation to the applicant to the effect that the amount repaid to the applicant does not amount to a severance grant by way of compensation for retirement pension rights or, therefore, to a retirement pension or the equivalent of a retirement pension;
- order the defendant to pay the costs.

Pleas in law and main arguments

The applicant was employed by the Commission of the European Communities as a member of the temporary staff. He was granted unpaid leave for that period of employment from his post as an official of the then Federal Ministry of Economics. The Ministry reduced the applicant's retirement pension because of the cumulation of pension benefits and a pension from international and supranational employment, as the Commission of the European Communities had issued the applicant with a certificate concerning the payment of a severance grant in compensation for pension rights.

The applicant complains that the Commission's certificate is defective inasmuch as members of the temporary staff cannot acquire pension rights owing to the short period of service (Articles 77 to 84 of the Staff Regulations), and the applicant was thus merely refunded the pension fund contributions that had been deducted.