

Pleas in law and main arguments

In support of his action, the applicant, an official in step 4 of Grade AD 12, invokes three pleas in law, the first of which alleges the illegality of the General Provisions for Implementing Article 11(2) of Annex VIII to the Staff Regulations (and more particularly of Article 7(3)), and, if need be, the illegality of that provision of those regulations.

The second plea in law alleges breach of Article 3 of Council Regulation (EC) No 1103/97 of 17 June 1997 on certain provisions relating to the introduction of the euro (OJ 1997 L 162, p. 1).

The third plea in law alleges breach of the principles of legal certainty, equal treatment and non-discrimination.

the applicant suffered between 1 November 2006 and 31 December 2006 as a result of unlawful conduct on the part of the Commission and annul to that extent the Commission's decisions to the contrary of 12 January 2007, 26 February 2007 and 20 July 2007;

- Order the defendant to pay interest for delayed payment on the amounts due under the above heads of claim, for the period from 26 February 2007 to the date on which payment is actually made, at a rate of 2 % per year above the main refinancing operations rate fixed by the European Central Bank for the period in question;
- Order the Commission of the European Communities to pay the costs.

Action brought on 22 October 2007 — Strack v Commission

(Case F-118/07)

(2007/C 315/94)

Language of the case: German

Parties

Applicant: Guido Strack (Cologne, Germany) (represented by: H. Tettenborn, lawyer)

Defendant: Commission of the European Communities

Form of order sought

The applicant claims that the Tribunal should

- Order the defendant to pay the applicant damages in the amount of EUR 1 000, for non-material damage, including damage to his health, in the period from 8 September 2006 to 7 October 2006 caused to him by the fact that, until the latter date, the Commission had failed to adopt a lawful decision on his application of 7 March 2005 for a finding that his illness was occupational in nature and annul to that extent the Commission's decisions to the contrary of 12 January 2007, 26 February 2007 and 20 July 2007;
- Order the defendant to pay the applicant damages in the amount of at least EUR 10 000 for material damage and non-material damage, including damage to his health which

Pleas in law and main arguments

In support of his claim for damages, the applicant relies on the fact that the Commission and the European Anti-Fraud Office (OLAF) committed a large number of administrative errors and unlawful acts in regard to him in the years from 2000 to 2006. That relates, in particular, to his work environment and mobbing in the workplace, the treatment of his whistle-blowing, the way in which the procedures for assessments and promotions were carried out, the unlawful communication of his personal data, obstruction of his attempts to obtain an explanation for, and proof of, those infringements of the law and the circumstances surrounding the unlawful and delayed processing of his applications under Articles 73 and 78 of the Staff Regulations of Officials of the European Communities (Staff Regulations)

The applicant claims that the defendant thereby infringed the rules concerning the protection of health, Article 255 EC, Articles 1, 3, 8 and Article 41 et seq of the Charter of Fundamental Rights, Articles 8 and 13 of the European Convention on Human Rights, Regulations Nos 1049/2001 and 45/2001, Articles 11a, 12, 22a, 22b, 24, 25, 26, 26a, 43, 45, 73 and 78 of the Staff Regulations, the legal instruments on the basis of which OLAF was set up and, in particular, the duty of care and the prohibition of arbitrary action.

The defendant thereby caused the alleged material and non-material damage, since, as the defendant has accepted in the interim in the context of the procedure under Articles 73 and 78 of the Staff Regulations, the applicant became ill as a result of those administrative errors and was ultimately invalidated. The unlawful and delayed execution of the abovementioned procedure caused him additional non-material damage.
