

Subject-matter and description of the proceedings

Application for annulment of the decision of the Committee ad hoc of the European Court of Auditors of 15 January 2009 removing the applicant from his post with effect from 1 February 2009 without reduction in pension

Form of order sought

Principally, annul the decision of the Committee ad hoc of the European Court of Auditors of 15 January 2009 removing the applicant from his post with effect from 1 February 2009 without reduction in pension;

Annul the European Court of Auditors' decision 81-2007 of 20 September 2007 conferring certain powers of the Appointing Authority on a Committee ad hoc;

Annul all the preparatory decisions adopted by that Committee ad hoc, particularly those of 22/29 October and 23 November 2007 and of 12 June 2008 to open an administrative enquiry;

In the alternative, should the Tribunal not uphold the applications for annulment formulated in the principal heads of relief, hold that the penalty inflicted by the Committee ad hoc of the European Court of Auditors on 15 January 2009 is, on the basis of Article 10 of Annex IX to the Staff Regulations, for the reasons set out above, far too severe;

Refer the matter to a differently constituted Appointing Authority of the European Court of Auditors, to inflict a different penalty, if one is really considered necessary, much more suited to the facts;

In the further alternative, find expressly that the principle that procedures should be conducted with reasonable expedition was infringed in this case, as set out above, and taking account of the level of the penalty to be inflicted, if one is appropriate;

Order the defendant to pay the costs.

Action brought on 22 September 2009 — Schlienger v Commission

(Case F-79/09)

(2009/C 282/126)

Language of the case: French

Parties

Applicant: Marc Schlienger (Muchamiel, Spain) (represented by: L. Levi and M. Vandenbussche, lawyers)

Defendant: Commission of the European Communities

Subject-matter and description of the proceedings

Application for (i) annulment of the decision of the appointing authority of 15 December 2008, received on 16 January 2009, rejecting the applicants' request for recognition of the ailment suffered by him as an occupational disease within the meaning of Article 73 of the Staff Regulations and (ii) so far as necessary annulment of the decision of 11 June 2009 rejecting the applicant's complaint.

Application for EUR 12 000 in damages as compensation for the non-material damage suffered.

Form of order sought

— Annul the decision of the appointing authority of 15 December 2008, received on 16 January 2009, rejecting the applicants' request for recognition of the ailment suffered by him as an occupational disease within the meaning of Article 73 of the Staff Regulations;

— So far as necessary, annul the decision of 11 June 2009 rejecting the complaint;

— order the defendant to pay the sum of EUR 12 000 in compensation for non-material damage;

— order the defendant to pay the costs.

Action brought on 26 September 2009 — Lenz v Commission

(Case F-80/09)

(2009/C 282/127)

Language of the case: German

Parties

Applicant: Erika Lenz (Osnabrück, Germany) (represented by: J. Römer and V. Lenz, lawyers)

Defendant: Commission of the European Communities