

EUROPEAN UNION CIVIL SERVICE TRIBUNAL

Action brought on 21 July 2006 — Duyster v Commission

(Case F-82/06)

(2006/C 281/79)

Language of the case: Dutch

Parties

Applicant: Tineke Duyster (Oetrange, Luxembourg) (represented by: W.H.A.M. van de Muijsenbergh, lawyer)

Defendant: Commission of the European Communities

Form of order sought

The applicant claims that the Tribunal should

- declare the action admissible or, in the alternative, admissible in part;
- annul that part of the Appointing Authority's decision of 11 May 2006 which concerns complaint R/91/06 or, in the alternative, annul the decision in part;
- order the defendant to pay the costs;
- in addition to the foregoing, the applicant seeks the same forms of order as she has already sought in Case F-18/06 ⁽¹⁾.

Pleas in law and main arguments

In Cases F-51/05 ⁽²⁾ and F-18/06, the applicant has already challenged the fact that the Commission first granted her parental leave from 1 November 2004 to 30 April 2005 and, then, by letter of 17 November 2005, set the date of the start of her parental leave at 8 November 2004.

Having doubts as to the legal characterisation of that final letter, the applicant challenged it on 13 February 2006, simultaneously by means of a complaint and a legal action (F-18/06). The Commission, first, raised a plea of inadmissibility in that action and, second, declared the complaint to be inadmissible by decision of 11 May 2006.

In this case, the applicant submits that the effect of the above is that there is no legal remedy against the decision contained in the letter of 17 November 2005 and that no compensation can be awarded as regards the statements of the Appointing Authority contained in it. That infringes, inter alia, the Staff Regulations and the legal principles common to the Member States and the Communities.

In support of her action against the decision of inadmissibility, the applicant pleads, inter alia: (i) that the decision was based on incorrect evidence; (ii) the infringement of the content and the purpose of Article 90 of the Staff Regulations; (iii) the existence of contradictions; (iv) that the decision lacked clarity and was negligent; (v) the infringement of the content and purpose of Articles 24 and 25 of the Staff Regulations; (vi) the situation of uncertainty created by the Commission regarding the legal characterisation of the letter of 17 November 2005; (viii) the infringement of the principles of proportionality, the protection of legitimate expectations, equal treatment and legal certainty and the infringement of the principle that interests must be weighed against one another, failure to comply with the employer's duty to provide information, infringement of the right to a legal remedy, infringement of the principle of legality and the principle of sound administration; (ix) the lack of evidence for the Appointing Authority's statement that the content of the request made by the applicant is already included in Case F-51/05.

As regards the substance of the case, the applicant puts forward very similar pleas to those which she put forward in Case F-18/06.

⁽¹⁾ OJ C 154, 1.7.2006.

⁽²⁾ OJ C 217, 3.9.2005 (case initially registered before the Court of First Instance of the European Communities under number T-249/05 and transferred to the Civil Service Tribunal of the European Union by order of 15.12.2005).

Action brought on 28 July 2006 — Pantalis v Commission

(Case F-88/06)

(2006/C 281/80)

Language of the case: Greek

Parties

Applicant: Ioannis Pantalis (Brussels, Belgium) (represented by: N. Korogiannakis and N. Keramidias, lawyers)

Defendant: Commission of the European Communities