

Action brought on 28 March 2002 by Michael Hohenbichler against the Commission of the European Communities

(Case T-95/02)

(2002/C 144/108)

(Language of the case: French)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 28 March 2002 by Michael Hohenbichler, residing in Brussels, represented by Jean-Noël Louis, lawyer, with an address for service in Luxembourg.

The applicant claims that the Court should:

- annul the Commission's decision establishing the calculation of the number of years of pensionable service under the Staff Regulations to be taken into account pursuant to Article 11(2) of Annex VIII thereto;
- order the Commission to pay the costs.

Pleas in law and main arguments

The applicant in the present case, an official of the defendant institution, is contesting the way in which the appointing authority has calculated the number of years of pensionable service to be taken into account in the context of the transfer to the Community pension scheme of all the pension rights acquired by him prior to his entry into the service of the Communities.

In support of his claims, the applicant pleads infringement of:

- Article 11(2) of Annex VIII to the Staff Regulations;
- the general provisions for the implementation of Article 11(2) of Annex VIII to the Staff Regulations;
- the principle of equal treatment.

Action brought on 3 April 2002 by Maddalena Lebedef-Caponi against the Commission of the European Communities

(Case T-98/02)

(2002/C 144/109)

(Language of the case: French)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 3 April 2002 by Maddalena Lebedef-Caponi, of Senningerberg, Luxembourg, represented by Gille Bounéou, lawyer, with an address for service in Luxembourg.

The applicant claims that the Court should:

- annul the applicant's staff report for the period 1995 to 1997;
- rule on costs; the expenses and fees should be borne by the defendant.

Pleas in law and main arguments

The applicant who is an official at the Commission objects to the dismissal of her claim for annulment of her staff report for the period 1995 to 1997.

In support of her action she relies on an infringement of the last paragraph of Article 1 of Annex II of the Staff Regulations, infringement of the second paragraph of Article 13 of Framework Agreement governing relations between the Commission of the unions and professional organisations and infringement of the first and second paragraphs of Article 15 of the Framework Agreement. She argues that some of the findings are not justified and that there are various errors and omissions in the staff report. In addition, she argues that she suffered psychological harassment during the time when she was acting as a staff representative.