

**Action brought on 16 August 2019 — DS and Others v Commission and EEAS****(Case T-573/19)**

(2019/C 357/46)

*Language of the case: French***Parties***Applicants:* DS and 718 other applicants (represented by: S. Orlandi and T. Martin, lawyers)*Defendants:* European Commission and European External Action Service**Form of order sought**

The applicants claim that the Court should:

- annul the decisions fixing the applicants' number of days of paid annual leave for 2019;
- in any event, order the Commission and the EEAS to pay the costs.

**Pleas in law and main arguments**

In support of the action, the applicants put forward a single plea in law, based on an objection of illegality directed against Article 6 of Annex X to the Staff Regulations of Officials of the European Union on the same grounds as those adopted by the Court in the judgment of 4 December 2018, *Carreras Sequeros and Others v Commission*, (T-518/16, EU:T:2018:873). According to the applicants, the defendant institutions refused to apply that judgment even though its effects are not suspended, which is akin to an unlawful suspension of operation of a judgment of the Court.

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**Action brought on 19 August 2019 — EI v Commission****(Case T-575/19)**

(2019/C 357/47)

*Language of the case: French***Parties***Applicant:* EI (represented by: R. Mbonyumutwa, lawyer)*Defendant:* European Commission**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order the European Commission to pay compensation:
  - first, on account of the non-material damage she suffered as a result of discrimination because of her skin colour, and in that regard award her EUR 123 600 (one hundred and twenty three thousand six hundred euros) and,

- second, on account of the material damage she suffered as a result of lack of promotion and increases deriving from discrimination, and in that regard award her EUR 48 670,56 (forty eight thousand six hundred and seventy euros and fifty six cents);
- require the European Commission to reevaluate the applicant's merits in an impartial and objective manner, and, if appropriate, to promote her;
- order the European Commission to pay the costs.

### **Pleas in law and main arguments**

In support of her action against the decision of the appointing authority of 23 May 2019 rejecting her complaint against the decision not to promote her and establishing the final promotion list for 2018, the applicant relies on two pleas in law.

1. First plea in law, alleging manifest errors of assessment in the promotion procedure. That plea in law is divided into four parts.
  - First part, alleging inaccuracy and subjectivity of the assessment reports concerning officials. In that regard, the applicant considers that three errors were committed. The first error concerns the fact that the reports on the applicant were drafted by a single person, the second relates to the inaccuracy of the content of the assessment reports and the third arises from the failure to take into account the applicant's self-assessment.
  - Second part, alleging that there is no objective test for evaluating language skills. In that regard, the applicant considers that three errors were committed. The first error concerns the fact that the applicant's reports were drafted by a single person, the second relates to failure to use the objective tests available on the market and the third arises from the fact that the assessment does not reflect reality.
  - Third part alleging that the assessment of the level of responsibilities exercised was subjective.
  - Fourth part, alleging that the choice of factual evidence to be taken into account was subjective.
2. Second plea in law, alleging infringement of the principles of equal treatment and non-discrimination. In that regard, the applicant puts forward two arguments.
  - The first argument is that the subjectivity arising from the promotion procedure is solely to the detriment of the applicant.
  - The second argument is that, in reply to her questions concerning the reasons for her lack of promotion, her immediate superior replied via email which proves that the promotion procedure is neither objective nor impartial.

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### **Action brought on 19 August 2019 — DV and Others v Commission**

**(Case T-576/19)**

(2019/C 357/48)

*Language of the case: French*

### **Parties**

*Applicants:* DV and 10 other applicants (represented by: S. Orlandi and T. Martin, lawyers)