

The applicant claims that the Court should:

- annul the decision of the Registrar of the Court of Justice to award the applicant 0.58 promotion points in respect of 1998 and to award only one promotion point per year in respect of 1999 and 2000;
- order the defendant to pay the costs.

*Pleas in law and main arguments*

The applicant is challenging the decision of the appointing authority to award her 0.58 promotion points in respect of 1998 and to award her only one promotion point per year in respect of 1999 and 2000.

The applicant claims that no staff report has been drawn up for her throughout the period in which she worked for the defendant as a member of the temporary staff, that is to say from 1 June to 30 November 1998. Nor was any report drawn up in her respect during her probation period (from 1 December 1998 to 31 August 1999). Consequently, only the analytical assessments in the staff report for the period from 1 September 1999 to 31 December 2000 were taken into consideration, which prevented the appointing authority from taking account of the applicant's 'merits' as set out in the general assessment and in the reporting officer's observations.

In support of her claims, the applicant alleges:

- infringement of Article 45 of the Staff Regulations;
- infringement of paragraph 5 of the 'Instructions relatives aux promotions' appended to the decision of the Court of 18 October 2000;
- manifest error of assessment in the present case.

**Action brought on 18 October 2002 by Hans Mc Auley against Council of the European Union**

(Case T-324/02)

(2003/C 7/44)

(Language of the case: French)

An action against the Council of the European Union was brought before the Court of First Instance of the European Communities on 18 October 2002 by Hans Mc Auley, residing in Wezembeek-Oppem (Belgium), represented by Albert Coolen, Jean-Noël Louis and Étienne Marchal, avocats.

The applicant claims that the Court should:

- annul the decision of 30 January 2002 of the Director General of Directorate General A of the Council to terminate the procedure under Article 29(1)(a) of the Staff Regulations to fill the post of Language Adviser in the English and Irish Language Division and to proceed to the next stage, namely the organisation of an internal competition under Article 29(1)(b);
- order the Council to pay to the applicant the sum of EUR 10 000 000 by way of compensation for material and non-material damage;
- order the defendant to pay the costs.

*Pleas in law and main arguments*

By judgment of 14 June 2001 in Case T-230/99, the Court of First Instance annulled the decisions of the Council of 15 December 1998 appointing Ms K to the post of language adviser in the English Language Division and rejecting the candidature of the applicant for the said post. The Council appealed that judgment. The appeal was held manifestly inadmissible by order of the Court of Justice of 13 December 2001.

The applicant claims that, in consequence of that judgment, the Council was obliged to re-examine his application for the post in question. By failing to carry out such re-examination, the Council has, in the applicant's view, infringed Article 233 of the EC Treaty. The applicant further alleges manifest error of assessment and misuse of powers.

**Action brought on 30 October 2002 by Nordspedizionieri Danielis Livio & Co., a partnership between Livio Danielis and Domenico D'Alessandro, in liquidation, against Commission of the European Communities**

(Case T-332/02)

(2003/C 7/45)

(Language of the case: Italian)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 30 October 2002 by Nordspedizionieri Danielis Livio & Co., a partnership between Livio Danielis and Domenico D'Alessandro, in liquidation, represented by Gregorio Leone, lawyer.