

In support of her claims, she alleges, apart from the fact of having been the victim of harassment in the work place, an error in the reasoning and irregularity in the promotion procedure, in that the contested decision does not enable her to know if it was really the Appointing Authority which made the choice provided for by Article 45 of the Staff Regulations, or whether it confined itself to confirming the conclusions of the Consultative Commission on Promotions (CCP).

Action brought on 21 September 2003 by Michael Cwik against the Commission of the European Communities

(Case T-331/03)

(2003/C 289/64)

(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 21 September 2003 by Michael Cwik, residing in Tervuren (Belgium), represented by Nicolas Lhoëst, lawyer, with an address for service in Luxembourg.

The applicant claims that the Court should:

- annul the Secretary General's decision of 31 October 2002 confirming unamended the applicant's staff report for the period 1 July 1999 to 30 June 2001;
- order the defendant to pay compensation of EUR 6 500;
- order the defendant to pay all the costs.

Pleas in law and main arguments

The applicant in this case challenges the appointing authority's refusal to amend his staff report for the period 1999/2001.

In support of his claims he puts forward the following arguments:

- that there was a breach of the pre-litigation procedure because, inter alia, the staff report in question was drawn up on the basis of two memos drafted by two of his former line managers. It is not clear whether the first of those two memos refers to the period concerned, while the second refers to matters taking place after that period.

The Joint Committee on Staff Reports did not express an opinion on all the criticisms levelled by the applicant and he was not consulted beforehand;

- that there was in the circumstances of the case a manifest error of appreciation inasmuch as, on the one hand, the staff report at issue contains criticisms to which voice was never given at the material time, which are strongly contested and which are not borne out by any evidence and as, on the other, the defendant puts forward a problem which arose after the period covered by the report.

Lastly, the applicant alleges misuse by the Commission of its powers and mental harassment.

Action brought on 29 September 2003 by European Service Network against the Commission of the European Communities

(Case T-332/03)

(2003/C 289/65)

(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 29 September 2003 by European Service Network, established in Brussels, represented by René Steichen, lawyer, with an address for service in Luxembourg.

The applicant claims that the Court should:

- annul Invitation to tender ENTR/02/055 — CORDIS — Lot 1;
- order the Commission to pay the costs.

Pleas in law and main arguments

The applicant submitted a tender pursuant to lot 1 of Invitation to tender ENTR/02/055 — CORDIS. The applicant was not successful.

The applicant contests the award of the contract to the successful tenderer. According to the applicant, the Commission did not comply with the principle of equal treatment of tenderers or the rule of transparency in the tendering procedure.