

**Action brought on 24 April 2004 by Davide Rovetta  
against Commission of the European Communities**

(Case T-159/04)

(2004/C 179/25)

(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 24 April 2004 by Davide Rovetta, represented by Maurizio Gambardella, lawyer.

The applicant claims that the Court should:

- annul the definitive decision classifying the applicant in Grade B 5/3 of 14 May 2003 and rejecting the applicant's request No D/77/03 that he be classified in Grade B 4;
- annul the decision, contained in the reply to complaint No R/563/03, refusing him access to the documents of the joint classification committee;
- award damages in the nominal amount of EUR 1 for non-material damage suffered by the applicant as a result of the contested decision;
- order the Commission to pay to the applicant with retrospective effect dating from his taking up of duties as if he had been classified in Grade B 4 in terms to be determined by the appointing authority;
- order the Commission to pay the costs of these proceedings.

*Pleas in law and main arguments*

Davide Rovetta, an official in Directorate General for taxation and customs union, upon completing his period of probation, applied to the appointing authority, in accordance with Article 31 of the Staff Regulations, to be classified in the higher grade in his category, that is B 4. In his request he pointed out that he had been engaged in order to carry out additional duties as a lawyer in Directorate General for taxation and customs union, Unit A3 'Legal affairs and enforcement of Community provisions'.

On receiving a reply in the negative from the appointing authority and being appointed to Grade B 5/3, he brought a complaint under Article 90(2) of the Staff Regulations against that decision, which was expressly rejected.

The applicant now seeks before the Court of First Instance the annulment of that decision on the complaint and of the preceding decision regarding grading as well as of the refusal to grant the access requested by him to the documents of the joint grading committee.

In the view of the applicant, those decisions were vitiated by an infringement of Articles 25 and 31 of the Staff Regulations, breach of the case-law of the Court of Justice and of the Court of First Instance on the matter and by a breach of essential

procedural requirements, inadequate statement of reasons and manifest error of assessment. The applicant points out, moreover, in that connection, that the basic decision on grading of 1983, as amended by the decision of 7 February 1996, was misapplied.

Finally, the applicant alleges unlawfulness of the system of delegation of powers of the appointing authority by the College, in the context of grading, inasmuch as it is in breach of the principles of proportionality, transparency and sound administration.

**Action brought on 3 May 2004 by Hippocrate Vounakis  
against Commission of the European Communities**

(Case T-165/04)

(2004/C 179/26)

(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 May 2004 by Hippocrate Vounakis, residing at Wezembeek-Oppem (Belgium), represented by S. Orlandi, A. Coolen, J.-N. Louis and E. Marchal, lawyers, with an address for service in Luxembourg.

The applicant claims that the Court should:

- Annul the decision establishing his career development review for the period from 1 July 2001 to 31 December 2002;
- Order the defendant to pay the costs.

*Pleas in law and main arguments:*

The applicant contests, on formal and substantive grounds, his career development review for the period from 1 July 2001 to 31 December 2002.

In support of his claims, he asserts:

- infringement of Article 2 of the General Provisions implementing Article 43 of the Staff Regulations. The applicant states in that regard that the review in question was established by a person lacking the power to do so;
- the existence, in this case, of a manifest error of assessment, and inconsistency between the comments and the marks awarded;
- infringement of the duty to state reasons. The applicant asserts on that point that the overall mark awarded him places him below the average, despite the fact that his previous reviews were good, without any explanation for the deterioration.