

### Pleas in law and main arguments

The applicant, an official of the defendant, after challenging before the Court of First Instance of the European Communities, first, the decision to reassign him to the post of Chief Adviser in the DG in which he was employed <sup>(1)</sup> and, second, the decision to reject his application for a post of Director in the same DG <sup>(2)</sup>, currently disputes the defendant's decisions, taken in the context of the reorganisation of DG Eurostat, to reject his application for the post of Director announced in vacancy notice COM/2006/164, and to appoint another candidate to that post.

In support of his application, the applicant relies on infringement of: (i) the duty to give reasons, (ii) Article 27 of the Staff Regulations and (iii) of the Rules of Conduct for Appointments to Posts in Grades A1 and A2, approved by the defendant on 18 September 1999, as confirmed and further defined by the Compilation Document on Senior Officials Policy, approved by the defendant on 26 October 2004.

<sup>(1)</sup> Case T-118/04 (OJ C 118, 30.04.2004, p. 47).

<sup>(2)</sup> Case T-134/04 (OJ C 146, 29.05.2004, p. 6).

### Action brought on 30 July 2006 — Schell v Commission

(Case F-83/06)

(2006/C 237/31)

*Language of the case: French*

#### Parties

*Applicant:* Arno Schell (Brussels, Belgium) (represented by: F. Frabetti, lawyer)

*Defendant:* Commission of the European Communities

#### Form of order sought

- Annul the lists of officials promoted in the 2004 and 2005 promotion years, in so far as these lists do not contain the applicant's name, and also, incidentally, the preparatory actions of those decisions;
- in the alternative, annul the allocation of promotion points in those years in so far as the applicant is concerned;
- order the defendant to pay the costs.

### Pleas in law and main arguments

In support of his application, the applicant relies on the seven following pleas in law:

- first, infringement of Article 45 of the Staff Regulations;
- second, infringement of the general implementing provisions in respect of that article;
- third, infringement of the principle of non-discrimination;
- fourth, infringement of the Administrative Guide 'Appraisal and Promotion of Officials', and of successive Guides;
- fifth, infringement of the principles of prohibition of arbitrary procedures and of abuse of powers, and also infringement of the duty to give reasons;
- sixth, infringement of the principle of protection of legitimate expectations, and of the rule 'Patere legem quam ipse fecisti' (obey the rules which you yourself have made);
- seventh, infringement of the duty to have regard for the welfare of officials.

### Action brought on 28 July 2006 — Bellantone v Court of Auditors

(Case F-85/06)

(2006/C 237/32)

*Language of the case: French*

#### Parties

*Applicant:* Gerardo Bellantone (Luxembourg, Luxembourg) (represented by: T. Bontinck and J. Feld, lawyers)

*Defendant:* European Court of Auditors

#### Form of order sought

The applicant claims that the Tribunal should:

- Annul the decision of the Secretary-General of the European Court of Auditors of 30 March 2006 rejecting the applicant's complaint seeking payment of the balance of the allowance in lieu of additional notice, of the severance grant and of the daily subsistence allowance;
- Order the defendant to pay: (i) EUR 20 751,45 in respect of additional notice, (ii) EUR 39 247,74 corresponding to the severance grant to which the applicant could have been entitled, (iii) EUR 8 467,02 in respect of daily subsistence allowance;
- Order the defendant to pay interest for late payment until payment is made;