

**Action brought on 17 December 2007 — Hristova v Commission**

(Case F-50/07)

(2008/C 79/68)

*Language of the case: English*

### Parties

*Applicant:* Valentina Hristova, (Pavlikeni, Bulgaria) (represented by: Georgi Kerelov, lawyer)

*Defendant:* Commission of the European Communities

### Pleas in law and main arguments

The annulment of the decision of 3 April 2007 of the selection board of the competition EPSO/AST/14/06 not to admit the applicant to the competition and not to mark her practical test because her post-secondary education is not in a field relevant to the duties described in the Notice of competition and she does not have 3 years full-time professional experience in the relevant field after having obtained the secondary education.

### Form of order sought

The applicant claim that the Tribunal should:

- annul the decision of 3 April 2007 of the selection board for competition EPSO/AST/14/06 not to admit her to that competition;
- order the defendant to pay the applicant fixed damages assessed on equitable principles at EUR 28 718 (one year's salary) in respect of the material and non-material damage suffered by the applicant as a result of the illegal decision of the competition selection board, with statutory interest from the date on which the application was lodged;
- order the defendant to pay the costs.

**Action brought on 18 October 2007 — Šimonis v Commission**

(Case F-113/07)

(2008/C 79/69)

*Language of the case: Lithuanian*

### Parties

*Applicant:* Irmantas Šimonis (Luxembourg) (represented by: V. Vilkas, lawyer)

*Defendant:* Commission of the European Communities

### Form of order sought

- annul the decision of the Commission of the European Communities by which, in the course of the selection procedure to fill a post which is the subject of notice of vacancy No COM/2007/142, it withdrew its request to transfer the applicant to the Commission and excluded him from the selection procedure;
- annul the decision of the Commission of the European Communities of 8 August 2007 dismissing complaint No R/273/07 filed by the applicant on 27 April 2007;
- order the defendant to pay the costs.

### Pleas in law and main arguments

In support of his action, the applicant puts forward three pleas, the first of which alleges infringement of his legitimate expectations resulting from the conclusion of an institutional agreement between the heads of administration in 2005 which provides that a waiting period of three years would be imposed prior to any inter-institutional transfers of newly recruited officials.

In his second three, the applicant claims the Commission's decision is unlawful on the grounds of failure to state reasons, the fact that it is not proportional to the interests protected, and that the Commission exceeded the limits of its discretion. Furthermore, the applicant submits that the decision operates discrimination based on nationality.

In his third plea the applicant claims infringement of the principle of sound administration and breach of the duty of care towards officials.