

Pleas in law and main arguments

By the present appeal, the Commission seeks annulment of the judgment of 22 November 2007 in Case F-109/06 *Dittert v Commission*, by which the Civil Service Tribunal (CST) annulled its decision allocating to the applicant at first instance a number of priority points insufficient for him to be promoted in promotion year 2005 and its decision finalising the list of officials promoted during that promotion year inasmuch as it does not include the applicant's name.

In support of its appeal, the Commission raises three pleas in law seeking annulment.

Firstly, the Commission submits that the CST wrongly applied Article 45 of the Staff Regulations in that it attributed excessive importance to the involvement of the Director General in the procedure for allocating points, thus restricting unduly the discretion of the Appointing Authority following the finding that the lack of such involvement constituted a substantial procedural error.

Secondly, the Commission submits that the CST infringed the jurisdiction of the Appointing Authority in breach of Article 45 of the Regulations and exceeded its powers of judicial control by addressing an instruction to the Appointing Authority.

Thirdly, the Commission alleges that the CST failed to give sufficient reasons for the finding that the allocation to the applicant at first instance of a certain number of priority points by the Promotion Committee did not constitute an adequate remedy for the procedural error classified by the Tribunal as 'substantial' consisting in the lack of involvement of the Director General. Moreover, it claims that the CST based the contested judgment on a distortion of the contents of minutes of a meeting of the Promotion Committee.

Appeal brought on 5 February 2008 by Commission of the European Communities against the judgment of the Civil Service Tribunal delivered on 22 November 2007 in Case F-110/06, *Carpi Badía v Commission*

(Case T-52/08 P)

(2008/C 92/76)

Language of the case: French

Parties

Appellant: Commission of the European Communities (represented by G. Berscheid and K. Herrmann, acting as Agents)

Other party to the proceedings: José María Carpi Badía (Luxembourg, Grand Duchy of Luxembourg)

Form of order sought by the appellant

- Annul the judgment of the Civil Service Tribunal of 22 November 2007 in Case F-110/06 *Carpi Badía v Commission* and refer the case back to the Civil Service Tribunal;
- order the respondent to pay the costs.

Pleas in law and main arguments

By the present appeal, the Commission seeks annulment of the judgment of 22 November 2007 in Case F-110/06 *Carpi Badía v Commission*, by which the Civil Service Tribunal (CST) annulled its decision allocating to the applicant at first instance a number of priority points insufficient for him to be promoted in promotion year 2005 and its decision finalising the list of officials promoted during that promotion year inasmuch as it does not include the applicant's name.

In support of its appeal, the Commission raises three pleas in law seeking annulment identical to those raised in Case T-51/08 P *Commission v Dittert*.

Appeal brought on 8 February 2008 by Commission of the European Communities against the judgment of the Civil Service Tribunal delivered on 27 November 2007 in Case F-122/06, *Roodhuijzen v Commission*

(Case T-58/08 P)

(2008/C 92/77)

Language of the case: French

Parties

Appellant: Commission of the European Communities (represented by J. Currall and D. Martin, acting as Agents)

Other party to the proceedings: Anton Pieter Roodhuijzen (Luxembourg, Grand Duchy of Luxembourg)

Form of order sought by the appellant

- Annul the judgment of the Civil Service Tribunal of 27 November 2007 in Case F-122/06 *Roodhuijzen v Commission*;
- dismiss the action brought by Mr Roodhuijzen;
- order that each party shall bear its own costs of the present appeal and of the action before the Court of First Instance.