

*Defendant:* Commission of the European Communities (represented by: N. Bambara and E. Manhaeve, agents and by P. Wytinck, lawyer)

#### Re:

Application for interim measures, essentially to permit the Centre de langues à Louvain-la-Neuve et -en-Woluwe (CLL Centres de Langues) to participate in the tendering procedure ADMIN/D1/PR/2008/004 regarding the contract 'Language training for staff at the European Union (EU) institutions, bodies and agencies in Brussels' and to suspend the Commission's decision to exclude it until the Court has ruled on the action for annulment of that decision.

#### Operative part of the order

1. *The application for interim measures is rejected.*
2. *Costs are reserved.*

**Appeal brought on 9 July 2008 by Petrus Kerstens against the judgment of the Civil Service Tribunal delivered on 8 May 2008 in Case F-119/06, Kerstens v Commission**

(Case T-266/08 P)

(2008/C 247/25)

*Language of the case: French*

#### Parties

*Appellant:* Petrus Kerstens (Overijse, Belgium) (represented by C. Mourato, lawyer)

*Other party to the proceedings:* Commission of the European Communities

#### Form of order sought by the appellant

- Annul the contested judgment;
- refer the case back to the European Union Civil Service Tribunal;
- order the Commission to pay the costs.

#### Pleas in law and main arguments

By this appeal the appellant seeks the annulment of the judgment of the Civil Service Tribunal (the Tribunal) of 8 May 2008 in Case F-119/06 *Kerstens v Commission* dismissing the appellant's action seeking (i) annulment of the decision of 8 December 2005 of the Board of the Office for Administration and

Payment of Individual Entitlements altering the organisation chart of that office, inasmuch as that decision had the effect of reassigning the appellant, then Head of the 'Resources' unit, to a research position and (ii) damages in compensation for the damage allegedly suffered.

In support of his action, a ground of appeal relied on by the appellant is that the Tribunal distorted the clear sense of the facts and the evidence and committed an error of law in applying Article 7 of the Staff Regulations and the regulations on disciplinary measures and misuse of powers in that the Tribunal concluded that there was no infringement of Article 7 on the basis of inaccurate findings of fact.

The appellant further claims that the Tribunal did not provide an adequate statement of reasons in the contested judgment in respect of the assessment made by the Office for Administration and Payment of Individual Entitlements of the interests of the service and in respect of the creation of an additional research department in the light of the Office's chronic shortage of staff.

Thirdly, the appellant considers that his rights of defence were infringed, inasmuch as the reasoning of the Tribunal on several points was based on the appellant's career development report for the period from 1 January to 31 December 2006, lodged for the first time by the Commission at the hearing, and the appellant had no opportunity to express his point of view in relation to that reasoning.

**Action brought on 9 July 2008 — Région Nord-Pas-de-Calais v Commission**

(Case T-267/08)

(2008/C 247/26)

*Language of the case: French*

#### Parties

*Applicant:* Région Nord-Pas-de-Calais (represented by: M. Cliquennois and F. Cavedon, lawyers)

*Defendant:* Commission of the European Communities

#### Form of order sought

- annul the decision C (2008) 1089 final of the Commission of the European Communities of 2 April 2008, concerning State Aid No C 38/2007 (ex NN 45/2007) implemented by France in favour of Arbel Fauvet Rail SA;
- order the Commission of the European Communities to pay the costs.