

Re:

An action for annulment of:

— the decision of the Director General of the Legal Service of the Commission to award the applicant only one Directorate-General priority point for the 2003 promotion procedure, communicated on 2 July 2003, confirmed by a decision of the appointing authority notified on 16 December 2003;

— the decision of the appointing authority not to award the applicant any special priority points for additional activity in the interests of the institution for the 2003 promotion procedure, notified through the Sysper 2 system on 16 December 2003;

— the following decisions: the decision of the appointing authority to award the applicant a total of 20 points for the 2003 promotion procedure; the merit list of officials in grade A 5 for the 2003 promotion procedure published in Administrative Notices No 69-2003 of 13 November 2003; the list of officials promoted to grade A 4 for the 2003 promotion procedure and published in Administrative Notices No 73-2003 of 27 November 2003 and, in any event, the decision not to include the applicant's name on those lists.

— in so far as it is necessary, the decision of the appointing authority of 15 June 2004 rejecting the complaint brought on 12 February 2004 by the applicant;

— the decision of 11 April 2007, notified on 16 April 2003, by which the appointing authority decided to award the applicant one additional priority point for the 2003 promotion procedure, yielding a total of 2 priority points, and a total number of 21 points;

and for a declaration of the nullity of all decisions taken in the course of the 2003 promotion procedure contested in the present action and not replaced in 2007 and, in particular, the merit list of officials in grade A 5 for the 2003 promotion procedure, published in Administrative Notices No 69-2003 of 13 November 2003 and the list of officials promoted to grade A 4 for the 2003 promotion procedure, published in Administrative Notices No 73-2003 of 27 November 2003, and compensation of EUR 5 000.

Operative part of the judgment

The Court:

1. *Annuls the decisions of the Commission fixing the total promotion points for the applicant at 21 points and refusing to include his name on the list of officials promoted to grade A 4 for the 2003 promotion procedure;*

2. *Dismisses the action as to the remainder;*

3. *Orders the Commission to pay the costs.*

(¹) OJ C 262, 23.10.2004.

**Judgment of the Court of First Instance of 9 October 2008
— Wilms v Commission**

(Case T-328/04) (¹)

*(Action for annulment — Action for damages — Staff case
— Promotion — Award of priority points)*

(2008/C 313/44)

Language of the case: French

Parties

Applicant: Günter Wilms (Brussels, Belgium) (represented by: M. van der Woude and V. Landes and, subsequently, by M. van der Woude, lawyers)

Defendant: Commission of the European Communities (represented by: H. Tserepa-Lacombe and V. Joris, Agents, and, subsequently, by V. Joris and G. Berscheid, Agents, and D. Wealbroeck, lawyer)

Re:

An action for annulment of:

— the decision of the Director General of the Legal Service of the Commission to award the applicant only one Directorate-General priority point for the 2003 promotion procedure, communicated on 2 July 2003, confirmed by a decision of the appointing authority notified on 19 December 2003;

— the decision of the appointing authority not to award the applicant any special priority points for additional activity in the interests of the institution for the 2003 promotion procedure, notified through the Sysper 2 system on 19 December 2003;

- the following decisions: the decision of the appointing authority to award the applicant a total of 19 points for the 2003 promotion procedure; the merit list of officials in grade A 6 for the 2003 promotion procedure published in Administrative Notices No 69-2003 of 13 November 2003; the list of officials promoted to grade A 5 for the 2003 promotion procedure and published in Administrative Notices No 73-2003 of 27 November 2003 and, in any event, the decision not to include the applicant's name on those lists.
 - in so far as it is necessary, the decision of the appointing authority of 14 June 2004 rejecting the complaint brought on 12 February 2004 by the applicant;
 - the decision of the appointing authority of 17 April 2007 not to award the applicant any additional priority points for the 2003 promotion procedure;
- and for compensation of EUR 5 000.

Operative part of the judgment

The Court:

1. *Annuls the decisions of the Commission fixing the total promotion points for the applicant at 19 points and refusing to include his name on the list of officials promoted to grade A 5 for the 2003 promotion procedure;*
2. *Dismisses the action as to the remainder;*
3. *Orders the Commission to pay the costs.*

(¹) OJ C 273, 6.11.2004.

Judgment of the Court of First Instance of 9 October 2008 — Miguelez Herreras v Commission

(Case T-407/04) (¹)

*(Action for annulment — Action for damages — Civil service
— Promotion — Award of priority points)*

(2008/C 313/45)

Language of the case: French

Parties

Applicant: Benedicta Miguelez Herreras (Brussels, Belgium) (represented initially by M. van der Woude and V. Landes, then M. van der Woude, lawyers)

Defendant: Commission of the European Communities (represented initially by H. Tserepa-Lacombe and V. Joris, then V. Joris and G. Berscheid, Agents, and D. Waelbroeck, lawyer)

Re:

Application for annulment of:

- the decision of the Director General of the Commission Legal Service to award the applicant 2 directorate general priority points under the 2003 promotion exercise, notified on 2 July 2003 and confirmed by a decision of the AIPN notified on 16 December 2003;
- the following decisions: decision of the AIPN to award the applicant a total of 23 points under the 2003 promotion exercise; the merit list of Grade C2 officials under the 2003 promotion exercise; the list of officials promoted to Grade C1 under the 2003 promotion exercise, published in Administrative Notice No 76-2003 of 3 December 2003; in any event, the decision not to include the applicant's name on those lists;
- in so far as necessary, the decision of the AIPN of 17 June 2004 dismissing the complaint brought by the applicant on 24 February 2004;
- the decision of the AIPN of 17 April 2007 not to award the applicant any supplementary priority points under the 2003 promotion exercise;

and a declaration that all the decisions taken in the 2003 promotion exercise challenged in this action and not replaced in 2007 are non-existent, and in particular the merit list for officials in Grade C2 under the 2003 promotion exercise, published in Administrative Notice No 71-2003 of 25 November 2003 and the list of officials promoted to Grade C1 under the 2003 promotion exercise published in Administrative Notice No 76-2003 of 3 December 2003 and seeking compensation of EUR 5 000.

Operative part of the judgment

The Court:

1. *Annuls the Commission decisions setting the applicant's total number of promotion points at 23 points and refusing to include her on the list of officials promoted to Grade C1 under the 2003 promotion exercise.*
2. *Dismisses the action as to the remainder.*
3. *Orders the Commission to pay the costs.*

(¹) OJ C 300, 4.12.2004.