

they concern the applicant, Council Implementing Regulation (EU) No 1245/2011 of 1 December 2011 implementing Regulation (EU) No 961/2010 on restrictive measures against Iran (OJ 2011 L 319, p. 11) and Council Regulation (EU) No 267/2012 of 23 March 2012 concerning restrictive measures against Iran and repealing Regulation (EU) No 961/2010 (OJ 2012 L 88, p. 1).

Operative part of the order

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

Appeal brought on 22 February 2013 by Kris Van Neyghem against the judgment of the Civil Service Tribunal of 12 December 2012 in Case F-77/11, Van Neyghem v Council

(Case T-113/13 P)

(2013/C 147/34)

Language of the case: French

Parties

Appellant: Kris Van Neyghem (Tienen, Belgium) (represented by M. Velardo, lawyer)

Other party to the proceedings: Council of the European Union

Form of order sought by the appellant

The appellant claims that the Court should:

- set aside the judgment in Case F-77/11 *Kris Van Neyghem v Council*;
- annul the decision of 1 October 2010 refusing to promote the appellant and upheld the claim for damages;
- refer the case back to the Civil Service Tribunal for a decision if necessary;
- order to defendant to pay the costs including all the costs of the proceedings at first instance.

Pleas in law and main arguments

In support of the appeal, the appellant relies on two pleas in law.

1. First plea in law, alleging an error of law and a breach of the duty to state reasons, as the CST held that the decision refusing to promote the person concerned could be reasoned at the stage of the answer to the complaint whereas the reasoning should already have been set out in the decision refusing promotion in so far as that decision was adopted under article 266 TFEU implementing the judgment in case F-53/08 *Bouillez and Others v Council*

[2010] ECR I-0000 and not in accordance with article 45 of the Staff Regulations.

2. Second pleas in law alleging an error of law and an infringement of Article 266 TFEU and the relevant case-law, as the CST did not base its decision either on the operative part or on the grounds for its judgment in case F-53/08 in order to establish whether that judgment had been correctly implemented.

Appeal brought on 25 February 2013 by Giorgio Lebedef against the order of the Civil Service Tribunal of 12 December 2012 in Case F-70/11, Lebedef v Commission

(Case T-116/13 P)

(2013/C 147/35)

Language of the case: French

Parties

Appellant: Giorgio Lebedef (Senningerberg, Luxembourg) (represented by F. Frabetti, lawyer)

Other party to the proceedings: European Commission

Form of order sought by the appellant

The appellant claims that the Court should:

- set aside the order of the CST of 12 December 2012 in Case F-70/11 *Lebedef v Commission* seeking the annulment of the applicant's evaluation report for the period 1.1. 2008 — 31.12.2008 and, more specifically, the part of the report drafted by EUROSTAT for the same period;
- grant the appellant's form of order sought at first instance;
- alternatively, refer the case back to the Civil Service Tribunal;
- make an order as to costs and order the European Commission to pay the costs.

Pleas in law and main arguments

In support of the appeal, the appellant relies on four pleas in law.

1. First plea in law, alleging an error of law in that the CST held that the appellant was not designated to participate in