

9. Ninth ground of appeal, alleging an error of law inasmuch as the Civil Service Tribunal declared inadmissible the claim for compensation of the damage arising from the publication of the reassignment decision within the institution, even though the appellant was not required to bring pre-litigation administrative proceedings in order to assert her claim for compensation.
10. Tenth ground of appeal, alleging an error of law inasmuch as the Civil Service Tribunal held that the Complaints Committee was competent to take a decision on the appellant's complaint.
11. Eleventh ground of appeal, alleging an error of law as the Civil Service Tribunal did not hold that the respondent had infringed Articles 1 to 3 of Annex IX to the Staff Regulations, the rights of the defence and the rule that the parties should be heard during the disciplinary proceedings.

375 295, EUR 204 996 and EUR 90 130 respectively, including therein the lump sum of EUR 4 000 already paid, in addition to the regularisation of her pension rights by payment of the corresponding contributions;

- EUR 55 000, in addition to the EUR 15 000 already paid, in respect of the non-pecuniary damage suffered as a result of the continuation of her irregular administrative situation despite, in particular, the judgments of 20 April 2005 and 6 October 2009 of the General Court and of 13 December 2007 of the European Civil Service Tribunal and the decision of 23 April 2007 of the Appointing Authority to uphold the claim brought by the applicant on 4 September 2006;
- The Commission is ordered to pay the costs.

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Appeal brought on 24 May 2013 by AK against the judgment of the Civil Service Tribunal of 13 March 2013 in Case F-91/10, AK v Commission

(Case T-288/13 P)

(2013/C 233/19)

Language of the case: French

Parties

Appellant: AK (Esbo Finland) (represented by D. Abreu Caldas, S. Orlandi, A. Coolen, J.-N. Louis and É. Marchal, lawyers)

Other party to the proceedings: European Commission

Form of order sought by the appellant

The applicant claims that the Court should:

- Declare and rule that,
 - The judgment of the Civil Service Tribunal (Third Chamber) of 13 March 2012 in Case F-91/10 *AK v European Commission* is set aside;
 - The Commission is ordered to pay the applicant:
 - compensation for the loss of a 95 % chance of being promoted to grade A4 in promotion year 2003, 2005 or at the latest 2007, in the sum of EUR

Pleas in law and main arguments

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

1. First plea in law, alleging an error of law since the CST based its findings on career development reports (CDRs) which it excluded from the file itself (relating to paragraphs 55, 56, 73 and 87 of the judgment under appeal).
2. Second plea in law, alleging an error of law in the assessment of the non-pecuniary damage and an infringement of the principle of proportionality, since the CST reduced the assessment of the non-pecuniary damage to EUR 15 000 taking account solely of the particularly extensive delay in drawing up the various CDRs and by restricting the extent of the non-pecuniary damage to the period during which the applicant was still working, without taking other parameters into account such as the applicant's state of uncertainty and worry as regards her professional future beyond the period during which she was still working (relating to paragraphs 63 and 83 et seq. of the judgment under appeal).
3. Third plea in law, alleging an error of law in the assessment of the damage due to the loss of a chance to be promoted and an infringement of the duty to state reasons in that the CST was not entitled to conclude, solely on the basis of the merit points and promotion thresholds, that the probability that the applicant would be promoted was low, on the one hand, and the CST assessed the damage of a loss of a chance to be promoted at EUR 4 000 as a lump sum without giving the least explanation as regards the reasoning which led it to that conclusion, on the other (relating to paragraphs 71 to 73 and 89 et seq. of the judgment under appeal).