

Operative part of the order

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

Action brought on 4 February 2019 — XH v Commission**(Case T-511/18)**

(2019/C 131/61)

*Language of the case: English***Parties***Applicant:* XH (represented by: E. Auleytner, lawyer)*Defendant:* European Commission**Form of order sought**

The applicant claims that the Court should:

- annul the decision of 13 November 2017 (IA n° 25-2017) concerning non-inclusion of the applicant's name in the list of the promoted officials in 2017;
- annul the decision of 7 June 2018 of the Appointing Authority in response to the complaint filed by the applicant;
- order the defendant to pay the applicant compensation of EUR 20 000 for non-material loss and EUR 45 000 for material loss;
- order the defendant to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on two pleas in law.

1. First plea in law, disputing the content of her career development reports (CDRs) as a basis of the promotion exercise at issue and alleging irregularity of the closed promotion procedure in question, impossibility and illegality of *a posteriori* regularisation after the closure of the promotion exercise.
 - The applicant complains that it was impossible to demonstrate that the value judgments could have been differently realised, if the irregular mid-term report had not been taken into account at different stages of the promotion procedure.
 - The applicant invokes an error of law and the irregularity of the contested promotion procedure: the violation of the terms of Commission Decision C(2013) 8968 final of 16 December 2013 laying down general provisions for implementing Article 45 of the Staff Regulations, the violation of Article 45(1) of the Staff Regulations in the light of Article 7 of the Charter of Fundamental Rights of the European Union, and the absence of actual comparison of the merits.

- The applicant further invokes a manifest error of assessment in applying the promotion criteria provided for in Article 45 of the Staff Regulations, in the light of Article 7 of the Charter of Fundamental Rights of the European Union.
2. Second plea in law, alleging the impact of irregularity on the contested promotion exercise, taking into account the applicant's promotion file and her CDRs. This irregularity allegedly led to the exclusion of promotion that could have been otherwise expected, if a correct comparison of merits had been duly performed.

Action brought on 5 February 2019 — AI v ECDC

(Case T-65/19)

(2019/C 131/62)

Language of the case: English

Parties

Applicant: AI (represented by: L. Levi and A. Champetier, lawyers)

Defendant: European Centre for Disease Prevention and Control (ECDC)

Form of order sought

The applicant claims that the Court should:

- annul the decision of the ECDC of 18 May 2018 rejecting the applicant's request for assistance of 20 June 2017,
- annul the ECDC's decision of 20 June 2018 rejecting the applicant's request of 30 May 2018 for access to the enquiry report;
- annul, if need be, the ECDC's decision of 26 October 2018 rejecting the applicant's complaint of 2 July 2018;
- order the ECDC to pay financial compensation evaluated, *ex aequo et bono*, at EUR 40 000, in respect of the non-material harm allegedly suffered by the applicant.

Pleas in law and main arguments

In support of the action, the applicant relies on three pleas in law in respect of the contested decision of 18 May 2018 and a single plea in law in respect of the contested decision of 20 June 2018.

1. First plea in law, in respect of the contested decision of 18 May 2018, alleging violation of the right to be heard.
2. Second plea in law, in respect of the contested decision of 18 May 2018, alleging violation of the duty to state reasons.