

Subject-matter and description of the proceedings

In the first place, application for annulment of the e-mail messages and decisions of the EIB concerning the administrative procedure relating to the applicant's performance appraisal for 2010. In the second place, application for annulment of the decision whereby the President of the EIB refused to instigate the conciliation procedure under Article 41 of the Staff Regulations. In the third place, application for annulment of the applicant's staff report for 2010 in so far as it does not classify his performance as 'exceptional' or 'very good' and does not propose that he be promoted to Function D. Finally, an application for an order that the EIB pay compensation for the material and non-material damage that the applicant claims he has sustained.

Form of order sought

- Annul (i) the e-mail message dated 4 July 2011 by which 'the secretariat' of the Adjudication Panel under Article 22 of the Staff Regulations and the Note to StaffHR/P&O/2011-079/Ks of 25 March 2010 informed the applicant that he had never handed over to the 'Panel' a copy of his appeal against the staff appraisal for 2010, (ii) the e-mail message of 12 August 2011 by which the 'secretariat' informed the applicant that the Adjudication Panel intended to hear the parties solely on the question of admissibility of the appeal and (iii) the decision of 27 September 2011 by which the 'Panel' took note of the applicant's discontinuance of his appeal;
- annul the Note to Staff HR/P&O/2011-079/Ks of 25 March 2011 and the Note CD/Pres/2011-35 of 6 September 2011, by which, following a request from applicant by note of 2 August 2011 and a further application by e-mail of 2 September 2011, the President of the EIB refused to initiate the conciliation procedure under Article 41 of the Staff Regulations, asserting that it had been superseded by the abovementioned Note to Staff ...;
- annul the guidelines established by the HR division by note 698 RH/P&O/2010-0265 of 20 December 2010 and the corresponding 'Guidelines to the 2010 annual staff appraisal exercise', including the section in which (point 12.1) they provide that the final evaluation must be expressed by means of a summary description but do not establish the criteria which must be used by the appraiser in order for performance to be regarded as 'exceptional ... exceeding expectations', 'very good' or '[meeting] all expectations', nor for performance to be regarded as '[meeting] most expectations with areas for improvement' or as '[failing] to meet expectations';
- annul the entire staff report for 2010, including the part containing the appraisal, the part in which performance is not summarised as 'exceptional' or 'very good' and in which

no proposal is made to promote the applicant to Function D and the part in which objectives are set for 2011;

- annul all the connected, consequent and preliminary measures and documents, which will certainly include the promotions referred to in the note from the Director of Human Resources '2010 staff appraisal exercise, award of promotions and titles' of April 2011, given that, in view of the appraisal made by the applicant's line managers and challenged in this action, the EIB failed to take the applicant into consideration in the point 'Promotions from Function E to D';
- order the EIB to pay compensation for the material and non-material damage sustained;
- order the EIB to pay the costs.

Action brought on 2 December 2011 — ZZ and Others v Commission

(Case F-130/11)

(2012/C 65/41)

Language of the case: French

Parties

Applicants: ZZ and Others (represented by: D. Abreu Caldas, S. Orlandi, A. Coolen, J.-N. Louis and E. Marchal, lawyers)

Defendant: European Commission

Subject-matter and description of the proceedings

The annulment of the decisions transferring pension rights acquired before entry into Commission service on the basis of the re-calculated PMO proposal.

Form of order sought

- Annul the decisions annulling and replacing the proposals for transfer of the applicants' pension rights pursuant to their application under Article 11(2) of Annex VIII of the Staff Regulations, which contain a new proposal calculated on the basis of the general implementing provisions adopted on 3 March 2011;
- Order the Commission to pay the costs.