

Appeal brought on 24 January 2013 by Vincent Bouillez against the judgment of the Civil Service Tribunal of 14 November 2012 in Case F-75/11, Vincent Bouillez v Council

(Case T-31/13 P)

(2013/C 86/35)

Language of the case: French

Parties

Appellant: Vincent Bouillez (Overijse, Belgium) (represented by: D. Abreu Caldas, A. Coolen, J.-N. Louis and É Marchal, lawyers)

Other party to the proceedings: Council of the European Union

Form of order sought by the appellant

The applicant claims that the Court should:

- set aside the judgment of the Civil Service Tribunal (Third Chamber) of 14 November 2012 in Case F-75/11 *Vincent Bouillez v Council*;
- annul the decision not to promote the applicant;
- order the Council to pay the costs at first instance and on appeal.

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 in so far as the CST held, without ascertaining whether the contested decision at first instance complied with the duty to state reasons for a decision whereas the CST did not request any evidence from the Council as to the actual application of the criteria in Article 45 of the Staff Regulations in the comparative examination of the examination of the applicant's merits as compared with those of other officials eligible for promotion.
2. Second plea in law, alleging an error of law, since the CST based its decision on mere statements by the Council that the level of responsibilities had indeed been taken into account in the comparative examination of the merits in order to conclude that the applicant has not shown the contrary in spite of information provided by the applicant in the measures of organisation of procedure, from which it was clear that several officials who were promoted did not have a level of responsibilities or a harmonised mark as high as the applicant's or a higher number of languages used (paragraphs 45 and 46 of the contested decision).

3. Third plea in law, alleging contradictory reasoning, in so far as the CST could not state on one hand that the Council rightly decided to carry out a fresh comparative examination of the merits of all Grade AST 6 officials eligible for promotion in promotion year 2007 and then hold that the Council was not required to take into account the merits of a specific official who had already been promoted in that year and whose promotion had become final (concerning paragraphs 69 and 70 of the judgment under appeal).

The applicant also asserts that the CST has committed an error in law by failing to classify the facts, on the basis of the evidence in the file, as constituting a manifest error of assessment.

Appeal brought on 24 January 2013 by Mario Paulo da Silva Tenreiro against the judgment of the Civil Service Tribunal of 14 November 2012 in Case F-120/11 da Silva Tenreiro v Commission

(Case T-32/13 P)

(2013/C 86/36)

Language of the case: French

Parties

Appellant: Mario Paulo da Silva Tenreiro (Kraainem, Belgium) (represented by S. Orlandi, J.-N. Louis and D. Abreu Caldas, lawyers)

Other party to the proceedings: European Commission

Form of order sought by the appellant

- Order
 - that the judgment of the Civil Service Tribunal delivered on 14 November 2012 (Case F-120/11 da Silva Tenreiro v Commission) dismissing the action brought by the applicant is annulled;
 - giving judgment itself,
 - order
 - that the decision of the European Commission rejecting the applicant's application for the vacant post of Director of Directorate A 'Civil Justice' in Directorate General (DG) 'Justice' and the decision nominating Ms Y to that post are annulled;
 - order the Commission to pay the costs at both instances.