

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

consultations and that his participation in those consultations was covered by the half time discharge from duties for trade union purposes which he enjoyed (paragraphs 41 to 45 of the order under appeal).

2. Second plea in law alleging an error of law in that the CST found that the special procedure for the assessment of staff representatives covers all trade union activities and incorrectly interpreted the reasons for which the appellant did not work for the department to which he had been assigned and held that the appellant could no longer challenge the competence of the assessors (points 50 and 51 of the order under appeal).
3. Third plea in law alleging an error of law in that the CST based its decision on incorrect findings concerning, in particular, the powers of the assessors to evaluate the appellant solely on the basis of his work for the department to which he was assigned, and the fact that he relied on the half time discharge from the performance of his duties for trade union purposes in order to justify the fact that he did not work for the service to which he was assigned (paragraphs 59 and 60 of the order under appeal).
4. Fourth plea in law alleging an error of law in that the CST concluded that the facts in the present case are distinguishable from those that gave rise to the judgment in Case F-36/07 *Lebedef v Commission* ECR Staff Cases I-A-1-143 and II-A-1-759 and that performance level IV could legitimately be attributed to the appellant (paragraphs 69 to 70 of the order under appeal).

Appeal brought on 25 February 2013 by Giorgio Lebedef against the order of the Civil Service Tribunal of 12 December 2012 in Case F-109/11, *Lebedef v Commission*

(Case T-117/13 P)

(2013/C 147/36)

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-109/11 *Lebedef v Commission* seeking the annulment of the

appellant's appraisal report for the period 1.1.2009 — 31.12.2009 and, more specifically, the part of the report drafted by EUROSTAT for the same period;

- uphold 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 six pleas in law, of which the first, second, third and six are essentially the same as or similar to those relied on in Case T-116/13 P *Lebedef v Commission*.

The fourth plea in law alleges an error of law in that, according to the appellant, the CST concluded that the report covering his activities in a professional or trade union organisation (OSP report) which should appear only as a document attached to the report concerning the appellant's duties at the Statistical Office of the European Union (Eurostat) (paragraphs 68 to 70 of the order under appeal).

The fifth plea in law alleges an error of law in that the appellant claims that the CST held that the appellant wished to challenge his appraisal reports prior to 2009 and the Commission decision not to promote him (paragraphs 74 and 75 of the order under appeal).

Action brought on 1 March 2013 — Direct Way and Direct Way Worldwide v Parliament

(Case T-126/13)

(2013/C 147/37)

Language of the case: French

Parties

Applicants: Direct Way (Brussels, Belgium); and Direct Way Worldwide (Machelen, Belgium) (represented by: E. van Nuffel d'Heynsbroeck, lawyer)

Defendant: European Parliament

Form of order sought

The applicants claim that the Court should:

- declare the action admissible and well founded;