

4. Fourth plea in law, alleging an error of reasoning as regards the consequences of the infringement of the right to be heard and substantive factual inaccuracy, in so far as the Civil Service Tribunal relied upon substantively inaccurate facts in order to conclude that hearing the applicant at first instance could have had an effect on the contested decision.

**Appeal brought on 28 August 2015 by CX against the judgment of the Civil Service Tribunal of
18 June 2015 in Case F-27/13, CX v Commission**

(Case T-496/15 P)

(2015/C 371/30)

Language of the case: French

Parties

Appellant: CX (Enghien, Belgium) (represented by: É. Boigelot, lawyer)

Other party to the proceedings: European Commission

Form of order sought by the appellant

The appellant claims that the Court should:

- declare its appeal to be admissible and well-founded;
- consequently, set aside the judgment of the Civil Service Tribunal of the European Union (First Chamber) of 18 June 2015, served on the same day as delivery, in Case F-27/13; and
- give judgment itself and uphold the appellant's initial requests and, therefore, the form of order sought at first instance, excluding any new form of order;
- in any event, order the defendant to pay the entirety of the costs.

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 infringements of the rights of the defence and a failure by the Civil Service Tribunal to take those rights into consideration, a lack of substance to the alleged facts, a refusal on the part of both the Commission and the Civil Service Tribunal to carry out assessments essential to the establishment of the truth, and manifest errors of assessment.
 2. Second plea in law, alleging an infringement of Articles 4 and 6 of the Staff Regulations of Officials of the European Union ('the regulations') and of Article 9 of Annex IX to the regulations, in so far as the Civil Service Tribunal acknowledges that the competent appointing authority does not have the power to penalise the official concerned by directly determining his 'classification' in a particular grade, but it has solely the power to downgrade him, without however properly deducing the consequences thereof.
 3. Third plea in law, alleging an infringement of the principle of proportionality and manifest errors of assessment.
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