

The applicant claims that the Court should:

- Annul the Appointing Authority's decision adopted on 5 July 2004 rejecting the applicant's complaint dated 26 February 2004, by which he challenged the decision refusing to promote him from Grade C2 to Grade C1, for the 2003 promotion procedure;
- If, and in so far as necessary, annul also the Appointing Authority's original decision in December 2003 refusing to promote the applicant from Grade C2 to Grade C1, for the 2003 promotion procedure;
- Order the Defendant to pay the costs.

*Pleas in law and main arguments*

In support of his action, the applicant relies on infringement of Article 45 of the Staff Regulations, breach of the principle of non-discrimination and manifest error of assessment. The applicant submits that the new promotion procedure does not provide a proper fair examination of officials' individual merits since the examination is made only by comparison with the other officials of the same Directorate-General.

The applicant also alleges that Article 12 of the General Provisions implementing Article 45 of the Staff Regulations infringes that Article and amounts to discrimination in that certain officials were, in the course of the 2003 promotion procedure, awarded additional priority points on the sole ground that they were proposed for promotion in 2002 without actually being promoted.

The applicant also relies on breach of the principle of legitimate expectations.

**Action brought on 22 October 2004 by Angela Davi against the Commission of the European Communities**

**(Case T-433/04)**

(2005/C 6/82)

*(Language of the case: French)*

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 22 October 2004, by Angela Davi, residing in Brussels, represented by L. Vogel, lawyer.

The applicant claims that the Court should:

- Annul the Appointing Authority's decision adopted on 2 July 2004 rejecting the applicant's complaint dated 1 March 2004, by which she challenged the decision refusing to promote her from Grade C3 to Grade C2, for the 2003 promotion procedure;
- If, and in so far as necessary, annul also the Appointing Authority's original decision in December 2003 refusing to promote the applicant from Grade C3 to Grade C2, for the 2003 promotion procedure;
- Order the Defendant to pay the costs.

*Pleas in law and main arguments*

The pleas in law and main arguments are the same as those in Case T-432/04.

**Action brought on 22 October 2004 by Alex Milbert and Others against the Commission of the European Communities**

**(Case T-434/04)**

(2005/C 6/83)

*(Language of the case: French)*

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 22 October 2004, by Alex Milbert, residing in Hesperange (Luxembourg), Imre Czigány, residing in Rhode St. Genèse (Belgium), José Manuel De la Cruz González, residing in Brussels, Viviane Deveen, residing in Overijse (Belgium), Mohammad Reza Fardoom, residing in Roodt-sur-Syre (Luxembourg), Laura Gnemmi, residing in Hünsdorf (Luxembourg), Marie-José Reinard, residing in Bertrange (Luxembourg), Vassilios Stergiou, residing in Kraainem (Belgium) and Ioannis Terezakis, residing in Brussels, represented by G. Bounéou and F. Frabetti, lawyers.