

Action brought on 12 May 2006 — Hinderyckx v Council

(Case F-57/06)

(2006/C 178/78)

*Language of the case: French***Parties***Applicant:* Jacques Hinderyckx (Brussels, Belgium) (represented by: J.A. Martin, lawyer)*Defendant:* Council of the European Union**Form of order sought**

- Annul the decision not to promote the applicant to grade B*8 in the 2005 promotions procedure;
- Promote the applicant to grade B*8;
- Order the defendant to pay to the applicant EUR 2 400 in compensation for all damage suffered;
- Order the defendant to pay the costs.

Pleas in law and main arguments

The applicant, who entered into the service of the European Parliament on 1 April 1994, was transferred to the General Secretariat of the Council on 16 July 2004, as a grade B*7 official. In his application, he disputes the Appointing Authority's decision not to promote him to grade B*8 in the 2005 promotions procedure.

The applicant raises two pleas, the first of which is based on the combination of his length of service in the grade and the excellence of his services to the European Parliament.

In relation to his second plea, the applicant claims that the Appointing Authority should have explained how the procedure used by the Consultative Commission on Promotions (CCP) took into account the differences between the structures of the standard Staff Reports of the European Parliament and the Council. The applicant further maintains that in order to ensure equal opportunity between candidates coming from different institutions, the Council should have provided itself with precise rules, in compliance with the Staff Regulations and capable of guaranteeing equal treatment in the comparative

assessment of the merits. The absence of such rules has led the Council to adopt decisions of a discretionary nature.

Action brought on 5 May 2006 — Mascheroni v Commission

(Case F-63/06)

(2006/C 178/79)

*Language of the case: Italian***Parties***Applicant:* Luigi Mascheroni (Vergiate, Italy) (represented by: A. Vianello and G. Orelli, lawyers)*Defendant:* Commission of the European Communities**Form of order sought**

- Find and declare that the conduct of the applicant's hierarchical superior is unlawful.
- Find and declare that such conduct is harmful and that the applicant suffered serious harm as a result thereof.
- Declare that the applicant is entitled to be assisted by the Community in the proceedings that he intends to bring before the national court in respect of the harm suffered.
- Order the defendant to pay the costs

Pleas in law and main arguments

In support of his action, the applicant claims that the conduct of his hierarchical superior was assessed by the appointing authority on the basis of unsubstantiated claims. The appointing authority moreover infringed various principles of law, such as the principles of non-discrimination, proportionality, non-abuse of powers, impartiality, objectivity, coherence, fairness and reasonableness.