

The applicant claims that, rather than the remedying of the situation created by the technical problem, the intervention of the A\* Promotion Committee and of the Appointing Authority themselves gave rise to procedural irregularities. Thus the A\* Promotion Committee exceeded its authority and its powers in proposing to allocate a lower number of points to the applicant than had been proposed by his superiors, once the technical problem had been discovered. Furthermore, both the A\* Promotion Committee and the Appointing Authority failed to undertake a real consideration of the applicant's comparative merits.

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**Action brought on 15 September 2006 — Carpi Badía v Commission**

(Case F-110/06)

(2006/C 281/85)

*Language of the case: French*

**Parties**

*Applicant:* José María Carpi Badía (Luxembourg, Luxembourg) (represented by: B. Cortese and C. Cortese, lawyers)

*Defendant:* Commission of the European Communities

**Form of order sought**

- annul the decision of the Appointing Authority to allocate to the applicant an insufficient number of priority points to allow his promotion in the 2005 promotion procedure and not to promote him in that promotion procedure, as confirmed by the Decision of 6 June 2006, rejecting the applicant's complaint No R/74/06;
- order the defendant to pay the costs

**Pleas in law and main arguments**

The pleas in law and main arguments relied on in this case are almost identical to those relied on in Case F-109/06, the notice concerning which is published in this issue of the *Official Journal of the European Union*.

**Action brought on 25 September 2006 — Giannopoulos v Council**

(Case F-111/06)

(2006/C 281/86)

*Language of the case: French*

**Parties**

*Applicant:* Nikos Giannopoulos (Wezembeek-Oppem, Belgium) (represented by: S. Rodrigues and C. Bernard-Glanz, lawyers)

*Defendant:* Council of the European Union

**Form of order sought**

- annul the applicant's classification decision as stated in the establishment decision of 18 November 2003 in that it awards him grade A7;
- annul, in so far as necessary, the appointing authority's decision rejecting the applicant's complaint;
- indicate to the appointing authority the effects of the annulment of the contested decisions, and in particular: (i) the applicant is to be reclassified in grade A6, in order to take account of the exceptional nature of his qualifications and the specific needs of the service, with retroactive effect to 18 November 2003; (ii) the applicant is to be reclassified in a step which takes account of his professional experience and is, at least, equivalent to that granted to him on the date of his recruitment; (iii) the applicant is to be paid the difference between the salary corresponding to the grade and step in which he was classified and that corresponding to the grade and step in which he ought to have been classified, plus default interest at the statutory rate from the date on which the amount in question became payable;
- order the defendant to pay the costs.

**Pleas in law and main arguments**

The applicant, a successful candidate in open competition EUR/A/127 (\*) for the constitution of a reserve for the future recruitment of administrators A7/A6, was recruited by the General Secretariat of the Council and classified in grade A7. Having learnt in July 2005 that other successful candidates in competitions for grades A7/A6 had been recruited by the General Secretariat in grade A6, or reclassified in that grade following an internal administrative review of the initial classification decisions, the applicant submitted a request for reclassification. That request was rejected by the administration, as was the complaint which he subsequently submitted.