

**Pleas in law and main arguments**

Concerning the first decision under appeal, the applicant puts forward 10 pleas:

- (1) the ordinary members of the selection board were not able to make a free assessment of the candidates in so far as the chairman and the alternate chairman were their hierarchical superiors;
- (2) the members of the selection board were not familiar with the main language of the competition (Bulgarian), contrary to the requirements resulting from well-established case-law;
- (3) the length and difficulty of the texts which the candidates had to translate were not comparable as between the source languages chosen;
- (4) the marking of the written tests was arbitrary, since the selection board did not know Bulgarian;
- (5) the duration of the oral test varied greatly depending on the candidate;
- (6), (7) and (8) first, the criteria applied by the selection board to assess the oral tests did not correspond to the purpose of those tests and, secondly, several candidates were awarded marks which were arbitrary;
- (9) candidates were denied their right to have their submissions re-marked, in so far as the reserve list had been definitively drawn up and put into circulation before the expiry of the 20-day period laid down in the competition notice for the purpose of the exercise of that right;
- (10) the selection board assessed the applicant's tests, in particular his oral test, improperly, justifying the marks by incoherent, inconsistent and irrelevant reasons.

Concerning the second decision under appeal, the applicant raises 3 pleas:

- (1) he disputes the relevance of the facts on which the selection board based its decision, namely the fact that he tried to contact members of the selection board;
- (2) he disputes that the selection board has the power to exclude a candidate from a competition for such reasons, since, he submits, EPSO alone has that power;

- (3) he maintains that, even if the selection board does have such a power, it cannot exercise it after the reserve list has been drawn up.

**Action brought on 16 March 2007 — Lafili v Commission****(Case F-22/07)**

(2007/C 95/118)

*Language of the case: French***Parties**

*Applicant:* Paul Lafili (Genk, Belgium) (represented by: G. Vandersanden and L. Levi, lawyers)

*Defendant:* Commission of the European Communities

**Form of order sought**

- annulment of the decision to classify the applicant in Grade AD 13, step 5, contained in a memorandum from DG ADMIN of 11 May 2006 and in the pay slip of June 2006 and in subsequent pay slips;
- restoration of the applicant to Grade AD 13, step 2 with effect from 1 May 2006, retaining a multiplication factor of 1.1172071;
- complete reinstatement of the applicant's career with retrospective effect from 1 May 2006 to the date of his classification in the grade and step thus corrected (including the evaluation of his experience in the classification thus corrected, his entitlement to promotion and his pension rights), including interest for late payment based on the rate set by the European Central Bank for main refinancing operations during the period in question, plus two percentage points, on the whole of the amount corresponding to the difference between the salary for the classification in the classification decision and the classification to which he should have been entitled until the date of the decision as to his proper classification;
- an order that the defendant should pay the costs.

**Pleas in law and main arguments**

The applicant, a Commission official, was classified in Grade A4, step 7, until the day before the entry into force of the new Staff Regulations. On 1 May 2004, that classification was converted to Grade A\*12, step 7, with a multiplication factor of 0.9442490 (in accordance with Article 2(2) of Annex XIII to the Staff Regulations). On 1 July 2004, the applicant moved to Grade A\*12, step 8, with the same multiplication factor. On 22 July 2005, the applicant was promoted, with retrospective effect from 1 May 2004, to Grade A\*13, step 1, with a multiplication factor of 1.1172071 (in accordance with Article 7(6) of Annex XIII to the Staff Regulations). With effect from 1 May 2006, he was classified in Grade AD 13, step 5, with a multiplication factor of 1, pursuant to a decision of DG ADMIN of 11 May 2006.

In his action, the applicant claims that such a classification (i) breaches, inter alia, Articles 44 and 46 of the Staff Regulations and Article 7 of Annex XIII to the Staff Regulations; (ii) is vitiated by a lack of competence; (iii) breaches the principle of protection of legitimate expectations. In particular, according to the applicant, the Commission's interpretation of Article 7(7) of Annex XIII to the Staff Regulations is incorrect in that it takes the view that, where a multiplication factor is higher than 1, the excess should be converted to seniority in step.

**Order of the Civil Service Tribunal of 15 March 2007 —  
Simon v Court of Justice and Commission****(Case F-58/06) <sup>(1)</sup>**

(2007/C 95/119)

*Language of the case: Hungarian*

The President of the Second Chamber has ordered that the case be removed from the register.

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<sup>(1)</sup> OJ C 190, 12.8.2006, p. 35.

**Order of the Civil Service Tribunal of 15 March 2007 —  
Simon v Court of Justice and Commission****(Case F-100/06) <sup>(1)</sup>**

(2007/C 95/120)

*Language of the case: Hungarian*

The President of the Second Chamber has ordered that the case be removed from the register.

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<sup>(1)</sup> OJ C 294, 2.12.2006, p. 65.