

In addition, the applicant submits that there has been infringement of the general principles of Community law, in particular of the duty to have regard for the welfare of officials and the principle of sound administration, the principle of transparency, the principle of protection of legitimate expectations, the principle of legal certainty, the principle of good faith, the prohibition on *reformatio in pejus* (prohibition on deterioration) and the principle of the right to a fair hearing.

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**Action brought on 21 March 2007 — Potoms and Scillia v Parliament**

(Case F-26/07)

(2007/C 117/58)

*Language of the case: French*

**Parties**

*Applicants:* Gerrit Potoms (Mechelen, Belgium) and Mario Scillia (Brussels, Belgium) (both represented by S. Orlandi, A. Coolen, J.-N. Louis and E. Marchal, lawyers)

*Defendant:* European Parliament

**Form of order sought**

- declare that Articles 5 and 12 of Annex XIII of the Staff Regulations are unlawful;
- annul the individual decisions appointing the applicants to an administrator post inasmuch as they determine their classification pursuant to article 5(2) of Annex XIII to the Staff Regulations;
- declare that the implementing measures relating to the awarding of merit and promotion points are unlawful inasmuch as they provide for the cancellation of merit and promotion points on transfer from one function group to another;
- annul the individual decisions to cancel the merit and promotion points accumulated by the applicants in their former category;
- annul the individual decisions to apply a multiplier lower than 1 to determine the applicants' remuneration;
- order the defendant to pay the costs.

**Pleas in law and main arguments**

The applicants assert pleas in law very similar to those relied on in Case F-31/06 <sup>(1)</sup>

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<sup>(1)</sup> OJ C 131 of 3.6.2006, p. 50.

**Action brought on 26 March 2007 — Sundholm v Commission**

(Case F-27/07)

(2007/C 117/59)

*Language of the case: French*

**Parties**

*Applicant:* Asa Sundholm (Brussels, Belgium) (represented by S. Orlandi, A. Coolen, J.-N. Louis and E. Marchal, lawyers)

*Defendant:* Commission of the European Communities

**Form of order sought**

- annul the decision of 2 June 2006 establishing the applicant's Career Development Report (CDR) for the period from 1 July 2001 to 31 December 2002, adopted pursuant to the judgment of the Court of First Instance of the European Communities of 20 April 2005 in Case T-86/04 *Sundholm v Commission*;
- order the defendant to pay, at that stage of the proceedings, EUR 1 by way of damages for non-material loss;
- order the defendant to pay the costs.

**Pleas in law and main arguments**

In support of his action, the applicant relies, first, on the breach of Article 233 EC and of the obligation to state reasons inasmuch as it is not possible from the contested decision to know how the grounds of the abovementioned judgment were taken into account.

Moreover, the applicant asserts that the contested decision, first, failed to take into account the aims and objectives pursued by the new Career Development Review System, and, second, is vitiated by inconsistencies between the comments and marks awarded.

Finally, the applicant relies on the breach of the rights of the defence inasmuch as the facts on which his appraisal was based were not disclosed to him either when they were produced or in the context of the appraisal procedure.

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**Action brought on 28 March 2007 — Quadu v Parliament**

(Case F-29/07)

(2007/C 117/60)

*Language of the case: French*

**Parties**

*Applicant:* Sandro Quadu (Brussels, Belgium) (represented by S. Orlandi, A. Coolen, J.-N. Louis and E. Marchal, lawyers)

*Defendant:* European Parliament