

Pleas in law and main arguments

In support of its action, the applicant puts forward three pleas, the first of which alleges infringement of Article 45 of the Staff Regulations, infringement of the General provisions implementing that article (GIP), infringement of Annex XIII to the Staff Regulations, infringement of the duty to give reasons and manifest errors of assessment. In particular, the applicant alleges that, despite his excellent merit appraisals and the fact that he was twice included in the 'ex A4 reserve' (of candidates considered deserving of promotion in the previous year's procedure but not promoted), he was not awarded the three transitional points provided for in Article 12(2)(c) of the GIP, or the four additional special priority points or even the one supplementary priority point awarded by his Directorate General and requested in the action brought before the Joint Promotion Committee for grade A officials. The applicant also puts forward the fact that the promotion rate of 5 % for A*12 officials was not reached.

The second plea is that the principles of equal opportunity, of equal treatment of staff and of non-discrimination were infringed. According to the applicant, both the content of the rules and their implementation in the light of the transitional decisions concerning officials in the grade A*12 'reserve' are unfair and discriminatory in relation to the transitional measures adopted specifically for 'reserve officials' from other grades. In addition, he submits that there has been discrimination within grade A*12, because of the current existence within that grade of former A*11 officials promoted previously and who received in their rucksack four additional special 'reserve' points, in breach of the principles cited above.

The third plea alleges infringement of the principle of the protection of legitimate expectations, the principle of sound administration and the principle of the duty to have regard for the interests of officials. According to the applicant, despite the assurances given by the authorities, the applicant's status as an official twice included in the reserve and the earlier 'second round' system were not taken into account. In addition, in so far as the new promotion system was applied for the first time in 2005 with regard to officials of the applicant's grade, the applicant maintains that he was entitled to expect to be treated in the same way, in particular as regards the 'reserve', as officials of other grades, who benefited from transitional measures intended to alleviate the disadvantages caused by the transition from the old promotion system to the new.

Action brought on 18 September 2006 — Diomede Basili v Commission**(Case F-108/06)**

(2006/C 261/75)

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

Applicant: Tamara Diomede Basili (Brussels, Belgium) (represented by: T. Bontinck and J. Feld, lawyers)

Defendant: Commission of the European Communities

Form of order sought

The applicant claims that the Tribunal should:

- annul the career development report (CDR) notified to the applicant on 10 November 2005;
- order the defendant to pay the costs.

Pleas in law and main arguments

The applicant, a Commission official of grade AD 11, took part in the DG ECFIN Joint Evaluation Committee and in the Selection Board for competition COM/PA/04 during 2004. In her action, she challenges her CDR, in so far as it did not take into account the opinion of the 'ad hoc working party and the staff representatives' suggestions for promotion' laid down in Article 6(3)(c) of the general provisions implementing Article 43 of the Staff Regulations (GIP). In addition to the infringement of that provision of the GIP, the applicant alleges the infringement of Article 43 of the Staff Regulations and of Article 1 of Annex II to the Staff Regulations.