

**Pleas in law and main arguments**

In support of their application, the applicants submit that the contested decisions disregard the scope of Article 45 of the Staff Regulations, which imposes on the Appointing Authority the obligation to choose officials that are to be promoted essentially on the basis of a consideration of their comparative merits.

They also claim that Article 13 of the GPI, as interpreted and applied by the Commission, is unlawful, since it disregards the scope of the provision which it is supposed to implement as well as the general principle of equal treatment and non-discrimination.

**Action brought on 29 September 2006 — Liotti v Commission****(Case F-114/06)**

(2006/C 281/89)

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

*Applicant:* Amerigo Liotti (Senningerberg, Luxembourg) (represented by: F. Frabetti, lawyer)

*Defendant:* Commission of the European Communities

**Form of order sought**

- annul the list of officials promoted in the 2005 promotion procedure, in so far as that list does not include the applicant's name, and also, by way of an incidental measure, the preparatory measures for those decisions;

- in the alternative, annul the allocation of promotion points in the abovementioned promotion procedure, in particular, following the recommendations of the Promotion Committees;
- order the defendant to pay the costs.

**Pleas in law and main arguments**

In support of his application, the applicant relies on the seven following pleas in law:

- first, infringement of Article 45 of the Staff Regulations;
- second, infringement of the general implementing provisions for that article;
- third, infringement of the principle of non-discrimination, and a manifest error of assessment;
- fourth, infringement of the principles of prohibition of arbitrary procedures and of abuse of powers, and also infringement of the duty to state reasons;
- fifth, infringement of the principle of protection of legitimate expectations, and of the rule 'Patere legem quam ipse fecisti' (obey the rules which you yourself have made);
- seventh, infringement of the duty to have regard for the welfare of officials.

**Order of the Civil Service Tribunal of 4 October 2006 — Grunheid v Commission****(Case F-35/06) <sup>(1)</sup>**

(2006/C 281/90)

*Language of the case: French*

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

<sup>(1)</sup> OJ C 143, 17.06.2006.