

**Pleas in law and main arguments**

The applicant claims that the Commission was guilty of unlawful acts, omissions and failures in the management of personnel amounting to unlawful conduct towards the applicant such as to render that institution liable. According to the applicant, the Commission misused its powers and breached numerous essential procedural requirements, the rights of the defence and the duty to state reasons. Moreover, the contested acts are vitiated by manifest errors of assessment and infringe Article 26 of the Staff Regulations and Regulation No 45/2001<sup>(1)</sup>, the duty to have regard to the welfare of officials, the duty to assist laid down by Article 24 of the Staff Regulations, the principles of reasonable career prospects and sound administration. Furthermore, the applicant was a victim of psychological harassment.

<sup>(1)</sup> Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ 2001 L 8, p. 1).

**Action brought on 11 June 2007 — Joseph v Commission****(Case F-54/07)**

(2007/C 199/97)

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

*Applicant:* Anne Joseph (Damascus, Syria) (represented by: N. Lhoëst, lawyer)

*Defendant:* Commission of the European Communities

**Form of order sought**

- annul the contract engaging the applicant, signed on 20 July 2006, inasmuch as its length is fixed at 15 months commencing on 16 October 2006 and expiring on 15 January 2008;
- to the extent that it is necessary, annul the Commission's express decision of 13 February 2007, rejecting the applicant's complaint lodged, pursuant to Article 90(2) of the Staff Regulations, on 20 October 2006;
- order the defendant to pay the costs.

**Pleas in law and main arguments**

The applicant claims annulment of her contract engaging her as a member of the contract staff under Article 3a of the Conditions of Employment of Other Servants (CEOS), inasmuch as its length is fixed not at three years but at 15 months, on the basis, first, of the Commission decision related to the maximum duration for the recourse to non-permanent staff in the Commission services and, second, Article 12 of the General Implementing Provisions related to the procedures governing the engagement and employment of members of the temporary staff of the Commission (GIP).

According to the applicant, the decision of 28 April 2004, particularly Article 3 thereof, is unlawful, inasmuch as it is contrary to the first paragraph of Article 85(1) of the CEOS. In any event, under Article 1(2) thereof, that decision is not applicable to the present case, in view of the fact that the applicant is engaged in essential tasks.

The applicant alleges, in addition, the unlawfulness of the GIP, in particular Article 12 thereof, which she alleges is contrary to Article 85(1) of the CEOS. In any event, the Commission infringed Article 12(1a) and (1b) of the GIP, which do not allow; for the purposes of calculating the maximum period of employment of a member of the contract staff, the cumulation of the period of a contract under Article 3b of the CEOS with that of a contract under Article 3a of the CEOS.

The applicant relies, in addition, on the infringement of the principles of non-discrimination, sound administration and the interest of the service.

**Action brought on 16 June 2007 — Collotte v Commission****(Case F-58/07)**

(2007/C 199/98)

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

*Applicant:* Pascal Collotte (Overijse, Belgium) (represented by: E. Boigelot, lawyer)

*Defendant:* Commission of the European Communities

**Form of order sought**

- annul the decision taken not to include the applicant's name on the promotions list for promotion from A\*11 to A\*12 for the '2006 promotion exercise' and, consequently, annul the decision not to promote him, as published in *Administrative Notices* No 55-2006 of 17 November 2006;