

4. the decision to reassign him, which was in essence a penalty, was unreasonable and disproportionate in relation to the matters for which the Parliament holds him responsible, especially as he suffers from a serious disease and is close to the age of retirement;
5. the Parliament, having failed to pay particular attention to the applicant's situation on account of his health, has contravened the principles of equal treatment and '*neminem laedere*' (do harm to no one);
6. by adopting the decision to reassign him the Parliament used its own powers to punish the applicant and to bring about the early termination of the employment relationship, so committing a misuse of power and an abuse of process, and also infringing Articles 7 and 86 of the Staff Regulations of Officials of the European Communities and of Annex IX thereto;
7. the applicant was not placed in a position in which he could express his point of view on the decision under discussion to reassign him to Brussels, in breach of his rights of the defence.

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**Action brought on 3 July 2007 — Dubus and Leveque v Commission**

**(Case F-66/07)**

(2007/C 199/104)

*Language of the case: French*

**Parties**

*Applicants:* Charles Dubus (Kraainem, Belgium) and Jean Leveque (Wattignies La Victoire, France) (represented by: E. Boigelot, lawyer)

*Defendant:* Commission of the European Communities

**Form of order sought**

- annul the decisions taken not to include the applicants' names in the list of those to be promoted in the 2006 promotion exercise, more particularly promoting Mr Dubus from C\*2 to C\*3 and Mr Leveque from B\*7 to B\*8, and, consequently, the decision not to promote them, as published in the Administrative Notice No 55-2006 of 17 November 2006;
- order the defendant to pay, as damages for non-pecuniary and pecuniary loss and for the prejudice to the applicants' respective careers, the sum of EUR 25 000, subject to increase and/or decrease in the course of the proceedings;
- order the defendant to pay the costs.

**Pleas in law and main arguments**

The applicants rely on very similar pleas in law to those relied on in Case F-58/07, notice of which is published in the present issue of the *Official Journal of the European Union*.

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**Order of the Civil Service Tribunal (First Chamber) of 27 June 2007 — H v Council**

**(Case F-127/06) <sup>(1)</sup>**

(2007/C 199/105)

*Language of the case: French*

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

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<sup>(1)</sup> OJ C 326, 30.12.2006, p. 85.