

Form of order sought

The applicants claim that the Tribunal should:

- annul the decision of the appointing authority publishing the list of officials promoted under the 2006 promotion procedure, in so far as the Commission did not take into account the applicants' eligibility for promotion in respect of the 2006 promotion procedure and in so far as their names are not included on the list of promoted officials;
- so far as necessary, annul the Commission's express decisions of 6 June 2007 rejecting the complaint brought by the applicants under Article 90(2) of the Staff Regulations of Officials of the European Communities ('the Staff Regulations') on 16 February 2007;
- order the Commission to pay the costs.

Pleas in law and main arguments

The applicants are relying on very similar pleas to those advanced in Case F-92/07, the notice for which is published in the same issue of the *Official Journal of the European Union*.

Action brought on 21 September 2007 — Rebizant and Others v Commission

(Case F-94/07)

(2007/C 283/81)

Language of the case: French

Parties

Applicant: Jean Rebizant (Karlsruhe, Germany) and Others (represented by: S. Orlandi, A. Coolen, J.-N. Lois and E. Marchal, lawyers)

Defendant: Commission of the European Communities

Form of order sought

The applicant claims that the Tribunal should:

- declare unlawful the decision fixing the promotion thresholds towards grade AD 13 applicable to officials under the 'Research'/Joint Research Centre' (JRC) and 'Operations' budget;
- annul the decision of the appointing authority not to promote the applicants to grade AD 13 under the 2006 promotion procedure;
- order the Commission to pay the costs.

Pleas in law and main arguments

In support of their action, the applicants are relying on the following pleas:

- infringement of Article 5(5) of the Staff Regulations of Officials of the European Communities ('the Staff Regulations');
- infringement of Article 6(2) of the Staff Regulations and Article 9 of Annex XIII thereof;
- infringement of the principle of equal treatment.

The applicants state that, by setting the promotion threshold to Grade AD 13 at 98,5 for officials under the Research and JRC budgets, the Commission failed to take into account, first, the jobs which, under Article 9 of Annex XIII to the Staff Regulations, were effectively vacant at the Research DG and the JRC DG and, second, the specific nature of the situation of officials covered by those budgets.

The applicants maintain that, by failing to do this, the Commission has failed to comply with its decision of 20 July 2005 on the procedure for the promotion of officials remunerated from the research section of the general budget, a decision which aims to establish rules ensuring the principle of equal treatment is observed between officials under the different budgets.

Action brought on 24 September 2007 — De Fays v Commission

(Case F-97/07)

(2007/C 283/82)

Language of the case: French

Parties

Applicant: Chantal De Fays (Brussels, Belgium) (represented by: P.-P. Gehuchten and Ph. Reyniers, lawyers)

Defendant: Commission of the European Communities

Form of order sought

The applicant claims that the Tribunal should:

- annul the decision of the appointing authority of 21 June 2007 and, so far as necessary, its decision of 21 November 2006;
- order the Commission to pay the salaries suspended, plus default interest;
- order the Commission to pay the costs.