

EUROPEAN UNION CIVIL SERVICE TRIBUNAL

**Judgment of the Civil Service Tribunal (Second Chamber)
of 8 November 2007 — Deffaa v Commission**

(Case F-125/06) ⁽¹⁾

(Staff case — Officials — Reform of the Staff Regulations — Transfer — Post of Director-General — Grading — Article 7(1) of the Staff Regulations — Article 29(1) of the Staff Regulations — Second paragraph of Article 44 of the Staff Regulations — Article 45(1) of the Staff Regulations — Management premium)

(2007/C 315/87)

Language of the case: French

Parties

Applicant: Walter Deffaa (Brussels, Belgium) (represented by: S. Orlandi, A. Coolen, J.-N. Louis and É. Marchal, lawyers)

Defendant: Commission of the European Communities (represented by: J. Currall and H. Kraemer, Agents)

Re:

Annulment of the decision of the President of the Commission of 12 January 2006 promoting the applicant to the post of Director-General, in so far as it grades him in step 4 of Grade A*15, with effect from 1 August 2004.

Operative part of the judgment

The Tribunal:

1. *Dismisses the action;*
2. *Orders the parties to pay their own costs.*

⁽¹⁾ OJ C 310, 16.12.2006, p. 32.

Action brought on 5 October 2007 — Duta v Court of Justice

(Case F-103/07)

(2007/C 315/88)

Language of the case: French

Parties

Applicant: Radu Duta (Luxembourg, Luxembourg) (represented by: F. Krieg, lawyer)

Defendant: Court of Justice of the European Communities

Form of order sought

- annul the contested decisions;
- refer the case back to the competent authority;
- order the defendant to pay the costs.

Pleas in law and main arguments

By his action, the applicant challenges the rejection of his candidature for a post of Legal Secretary to a judge of the Court of First Instance of the European Communities. The rejection took place by circular letter of 24 January 2007, although the judge in question had previously shown a lively interest in the applicant's candidature.

The applicant pleads, first, the nullity of the decision to reject his complaint. It was dealt with by the 'Committee of the Court of First Instance with power to determine complaints' the composition of which does not meet the requirements for a fair hearing as defined by Article 6(1) of the European Convention for the Protection of Human Rights and Fundamental Freedoms. The members of the Court of First Instance sitting as that committee cannot determine with complete impartiality cases concerning one of their colleagues.

Secondly, the applicant pleads that he was the victim of discrimination. The judge in question did not exercise his or her discretion reasonably.