

The applicant made a complaint concerning the assessment and the lack of any decision regarding the award of an increase in monthly salary and, in that context, she relied on the assessment guidelines in force in Europol. The applicant submits that the assessment is manifestly incorrect.

The applicant submits in particular that her complaints were declared unfounded by a decision of 26 June 2007 and alleges breach of the principle of the duty to state reasons since no reasons were stated for that decision. Nevertheless, the Director of Europol points out that the assessment was withdrawn and that a fresh assessment was to be made. That assessment took place on 25 July 2007.

The present action therefore relates to the decision made on the complaint and the assessment of 25 July 2007.

their dates were repeatedly not published; (iv) the staff committee elections of 2004 and 2006 were unlawful for a number of reasons; (v) there were many instances of misuse of the promotion procedure, of usurpation of the power to appoint allowed to a head of unit, and of personal interests likely to compromise the independence of the appointing authority in nearly all its decisions; (vi) the 'decisions of the appointing authority' emanated from the personal interests of all the applicant's hierarchical superiors, from the concealment of the call to a colleague to exercise superior functions on an interim basis, and from failure to refer the matter to the Anti-Fraud Office; (vii) the appointing authority based the contested decisions on the same series of manifest errors as the initial decisions, which they confirm, relying on a judgment that does not have the force of *res judicata* and without refuting any of the applicant's arguments; (viii) the committees also involved in the assessment and promotion procedure were not informed of the compromised independence of the applicant's hierarchical superiors.

---

**Action brought on 15 October 2007 — Bart Nijs v European Court of Auditors**

(Case F-108/07)

(2008/C 22/108)

*Language of the case: French*

**Parties**

*Applicant(s):* Bart Nijs (Bereldange, Luxembourg) (represented by: F. Rollinger, lawyer)

*Defendant:* European Court of Auditors

**Form of order sought**

- annul the decision of the European Court of Auditors to renew the mandate of the Secretary General of the Court of Auditors for a further period of six years from 1 July 2007
- in the alternative, annul the two measures allegedly constituting 'decisions of the appointing authority' of 8 December 2006 implementing the judgment of the Court of First Instance of 3 October 2006 in Case T-171/05, and of 12 July 2007, rejecting the applicant's complaint of 12 March 2007

**Pleas in law and main arguments**

In support of his action, the applicant relies in particular on the following facts: (i) the Secretary General of the Court of Auditors acted unlawfully; rather than referring the matter to the Anti-Fraud Office, he expressly refused to take measures or to examine the question when he had been informed, with documentary evidence, of the existence of a fraud to the detriment of the invalidity pensions system; (ii) an official exercised his powers in an unlawful manner; (iii) promotion decisions and

---

**Action brought on 23 October 2007 — Behmer v Parliament**

(Case F-124/07)

(2008/C 22/109)

*Language of the case: French*

**Parties**

*Applicant:* Joachim Behmer (Brussels, Belgium) (represented by: S. Orlandi, A. Coolen, J.-N. Louis and E. Marchal, lawyers)

*Defendant:* European Parliament

**Form of order sought**

- Annul the decision of the appointing authority of the European Parliament awarding two promotion points to the applicant for 2005;
- Annul the decision of the appointing authority not to promote the applicant to grade AD 13 in 2006;
- Order the defendant to pay the costs.

**Pleas in law and main arguments**

The applicant, an official at the European Parliament in grade AD 12, alleges above all the unlawfulness of the decisions of the appointing authority, firstly, to award the applicant two promotion points for 2005 and, secondly, not to promote him to grade AD 13 in 2006.