

The applicant submits that there was a manifest error of assessment, breach of the duty to state reasons, breach of point I.6 of the implementing measures relating to the attribution of promotion points and promotion and breach of the general principles that recruited officials are entitled to reasonable career prospects and of equal treatment.

In particular, he submits that there is infringement of Article 45 and Article 110(1) of the Staff Regulations, and puts forward pleas of illegality and of breach of the principle of the protection of legitimate expectations.

Finally, the applicant claims that he suffered discrimination because of his activities representing the staff, in breach of Article 1d and of Article 24b of the Staff Regulations, of the sixth paragraph of Article 1 of Annex II to the Staff Regulations and of Article 17 of the framework agreement of 12 July 1990 between the European Parliament and the trade unions or professional organisations of the staff of the institution.

---

**Action brought on 30 October 2007 — Van Beers v Commission**

(Case F-126/07)

(2008/C 22/110)

*Language of the case: French*

**Parties**

*Applicant:* Isabelle Van Beers (Woluwe-St-Etienne, Belgium) (represented by: S. Orlandi, A. Coolen, J.-N. Louis and E. Marchal, lawyers)

*Defendant:* Commission of the European Communities

**Form of order sought**

- Annul the decision of the appointing authority rejecting the applicant's application under the attestation procedure for 2006;
- Declare Article 4(2) of the general implementing provisions (GIP) of Article 45a of the Staff Regulations unlawful, inasmuch as it has the effect either of excluding from consideration the true level of the tasks carried out by a candidate for attestation or of maintaining a distinction between the former grades C\* and B\* since 30 April 2006;
- Order the defendant to pay the costs.

**Pleas in law and main arguments**

The applicant, a Commission official in grade AST 6, lodged an application under the attestation procedure for 2006. On

29 March 2007, the appointing authority definitively confirmed its decision of 22 February 2007, after an appeal by the applicant against that decision, not to admit her application under the attestation procedure for 2006.

In support of her action, the applicant claims, firstly, that there has been a manifest error of assessment.

She submits, furthermore, that Article 4(2) of the GIP of Article 45a of the Staff Regulations is unlawful.

In particular, the applicant alleges breach of the principles of equal treatment, of non-discrimination and of proportionality, breach of the principle of sound administration and the principle that recruited officials are entitled to reasonable career prospects, as well as the principle of the protection of legitimate expectations.

---

**Action brought on 30 October 2007 — Coto Moreno v Commission**

(Case F-127/07)

(2008/C 22/111)

*Language of the case: French*

**Parties**

*Applicant:* Juana Maria Coto Moreno (Gaborone, Botswana) (represented by: K. Lemmens and C. Doutrelepon, lawyers)

*Defendant:* Commission of the European Communities

**Form of order sought**

- Annul the decision of 12 February 2007 by which the selection board for competition EPSO/AD/28/05 refused to include the applicant in the reserve list for that competition, and consequently:
  - award her damages and interest of EUR 25 000 as compensation for non-material loss;
  - award her damages to cover legal fees estimated at EUR 8 000 as shown in the attached document;
  - declare, principally, that the competent authorities must adopt all appropriate measures fairly to compensate for the disadvantage caused by the annulled measure, that is to say the inclusion of the applicant in the reserve list or
  - award the applicant, failing such inclusion, in the alternative, compensation by way of damages and interest for her material loss in the amount of EUR 384 000;
- order the defendant to pay the costs.