

Action brought on 29 October 2007 — Hau v European Parliament

(Case F-125/07)

(2008/C 79/70)

*Language of the case: French***Parties***Applicant:* Armin Hau (Luxembourg, Luxembourg) (represented by: E Boigelot, lawyer)*Defendant:* European Parliament**Form of order sought**

- annul the decision of the Appointing Authority not to include the applicant's name on the list of those to be promoted to grade B*6 and B*7 in the '2006 promotion exercise';
- order the European Parliament to pay the costs.

Pleas in law and main arguments

In support of his application, the applicant pleads infringement of the second paragraph of Article 25 and Article 45 of the Staff Regulations, the decision of the Office of 6 July 2005 and its implementing measures, and Article 5 of the Internal Guidelines for Promotions Advisory Committees.

Furthermore, the applicant claims the existence of manifest errors of assessment, misuse and arrogation of powers, and infringement of a number of general principles of law.

Action brought on 6 December 2007 — Nijs v Court of Auditors

(Case F-136/07)

(2008/C 79/71)

*Language of the case: French***Parties***Applicant:* Bart Nijs (Aalst, Belgium) (represented by: F. Rollinger, lawyer)*Defendant:* European Court of Auditors**The subject-matter and description of the proceedings**

Annulment, on the one hand, of the decision of the Appointing Authority of 5 September 2007 to demote the applicant to Grade AD9, step 5, following a disciplinary procedure and, on

the other, of the decisions to suspend him from his post, to open an administrative enquiry in respect of him, and not to promote him to Grade AD 11 in 2007 — Claim for compensation for non-material and material harm

Form of order sought

- Annul the express decision of the Appointing Authority of 5 September 2007 to demote the applicant to Grade AD 9, step 5, following the disciplinary procedure opened on 27 September 2006;
- Annul the associated and subsequent decisions, in particular that of 26 September 2006 to suspend the applicant from his post, that of 27 September 2007 to open an administrative enquiry in respect of him, and that not to promote him to Grade AD 11 in 2007;
- Annul the decision of the small-group meeting of the Court of Auditors of 8 March 2007 to renew the appointment of Mr Michel Hervé on 1 July 2007 for a period of six years;
- Order the Court of Auditors to pay the applicant the sum of EUR 10 000 in respect of non-material harm suffered during and after the disciplinary procedure and in respect of compensation for the material harm consisting in the difference between the salary which he received since the date of the last promotion decisions and that which he would have received had he been promoted at that time;
- Order the Court of Auditors to pay the costs.

Action brought on 4 December 2007 — Sergio and Others v Commission

(Case F-137/07)

(2008/C 79/72)

*Language of the case: French***Parties***Applicants:* Giovanni Sergio and Others (Brussels, Belgium) (represented by: M. Lucas, lawyer)*Defendant:* Commission of the European Communities**The subject-matter and description of the proceedings**

Annulment of the 'Protocol of Agreement between the trade union or professional organisations and the Directorate General for Personnel and Administration (DG ADMIN)' and the decisions of the Appointing Authority confirmed by the Protocol of 19 December 2006 and the decision of 14 November 2006 — Claim for damages in the form of a symbolic EUR 1.