

Operative part of the order

1. *The application for interim measures is dismissed;*
2. *Costs are reserved.*

Action brought on 29 February 2008 — Simões dos Santos v OHIM**(Case F-27/08)**

(2008/C 158/45)

*Language of the case: French***Action brought on 14 February 2008 — Wybranowski v Commission****(Case F-17/08)**

(2008/C 158/44)

*Language of the case: Polish***Parties**

Applicant: Andrzej Wybranowski (Warsaw, Poland) (represented by: Z. Wybranowski, lawyer)

Defendant: Commission of the European Communities

The subject-matter and description of the proceedings

Application for amendment of the decision of 15 November 2007 of the selection board for competition EPSO/AD/60/06 to award the applicant 20/50 points in the oral test and, consequently, not to include him on the reserve list, and the decision of 20 December 2007 of the same selection board not to increase the number of points obtained, after a review of the oral test, by means of including the applicant on the reserve list. In the alternative, an application for annulment of those decisions and for an order that the defendant and/or competition selection board adopt a new decision including the applicant on the reserve list.

Form of order sought

The applicant claims that the Tribunal should:

- amend the decision of 15 November 2007 of the selection board for competition EPSO/AD/60/06 to award the applicant 20/50 points in the oral test and, consequently, not to include him on the reserve list, and the decision of 20 December 2007 of the same selection board not to increase the number of points obtained, after a review of the oral test, by means of including the applicant on the reserve list;
- in the alternative, annul those decisions and order the defendant and/or competition selection board to adopt a new decision including the applicant on the reserve list;
- order the Commission of the European Communities to pay the costs.

Parties

Applicant: Manuel Simões dos Santos (Alicante, Spain) (represented by: A. Creus Carreras, lawyer)

Defendant: Office for Harmonisation in the Internal Market

The subject-matter and description of the proceedings

Application for annulment of several decisions of the Office for Harmonisation in the Internal Market in so far as they do not correctly enforce the judgment in Case T-435/04, not granting the applicant the balance of points whose elimination was annulled by the Court of First Instance, and for payment of default interest on the amount corresponding to the difference in salary which the applicant should have received.

Form of order sought

The applicant claims that the Tribunal should:

- annul the decision of the Office for Harmonisation in the Internal Market of 3 December 2007 rejecting the complaint brought by the applicant on 8 August 2007, and the decision No PERS-01-07 relating to the award of promotion points under the 2003 promotion procedure, the decision ADM-07-17 interpreting decision ADM-03-35 relating to the career and promotion of officials and members of the temporary staff and the letter of 15 June 2007, entitled, 'Definitive awarding of 2007 promotion points adopted by the Appointing Authority';
- order OHIM to pay the applicant the default interest on the amount corresponding to the difference in salary which he should have received had the elimination of the balance of his promotion points not occurred, calculated at a rate fixed by the Court;
- order the Office for Harmonisation in the Internal Market to pay the costs.