

Subject-matter and description of the proceedings

Annulment of the decision of the European Central Bank refusing an *ad personam* promotion to the applicant, and an order that the defendant pay compensation for the non-material damage suffered by the applicant.

Form of order sought

- annul the decision refusing an *ad personam* promotion to the applicant, communicated by letter of 11 March 2008;
- consequently, (i) annul all decisions resulting from the decision not to promote the applicant communicated on 11 March 2008, including in particular the applicant's pay slips from March 2008 and (ii) order the defendant to pay EUR 10 000, determined *ex aequo et bono*, as compensation for the non-material damage suffered by the applicant;
- if the enforcement of an order of annulment were to entail serious difficulties, payment of EUR 78 000, or at least, one half of that sum to cover the damage suffered by the applicant;
- order the European Central Bank to pay the costs.

Action brought on 27 November 2008 — Füller-Tomlinson v Parliament

(Case F-97/08)

(2009/C 44/136)

*Language of the case: French***Parties**

Applicant: Paulette Füller-Tomlinson (Brussels, Belgium) (represented by: L. Levi, lawyer)

Defendant: European Parliament

Subject-matter and description of the proceedings

Annulment of the decision setting the proportion of partial permanent invalidity attributable to occupational disease at 20 %, and alternatively an order that the defendant pay compensation for the non-material damage suffered by the applicant.

Form of order sought

- annul the decision of 9 April 2008 of the Head of the Pensions and Social Insurance Unit, setting, in Article 3, the proportion of partial permanent invalidity attributable to occupational disease at 20 %;

- so far as necessary, annul the decision rejecting the complaint;
- alternatively, order the defendant to pay the sum of EUR 12 000 as compensation for the non-material damage suffered by the applicant;
- order the European Parliament to pay the costs.

Action brought on 11 December 2008 — Nijs v Court of Auditors

(Case F-98/08)

(2009/C 44/137)

*Language of the case: French***Parties**

Applicant: Bart Nijs (Aalst, Belgium) (represented by: F. Rollinger, lawyer)

Defendant: Court of Auditors of the European Communities

Subject-matter and description of the proceedings

First, annulment of the decision not to promote the applicant in 2008 and, second, an order that the defendant make good the material and non-material loss suffered by the applicant.

Form of order sought

- Annul the decision not to promote the applicant in 2008, published in Staff Note No 32/2008 of 5 May 2008, and the acts preparatory to that decision, in particular the decisions of 19 and 29 February 2008 which were the subject of the Staff Notes Nos 10-2008 and 17-2008 adopting the lists of those eligible for promotion at 1 January 2008, inasmuch as they concern the applicant;
- Declare expressly that the subsequent decisions and preparatory acts mentioned above are void;
- Order the defendant to make good the material loss amounting to the loss of income which the applicant suffered in relation to the higher salary which he would have received had the period mentioned above not intervened to hindered his career, along with the non-material loss additional to the similar compensation claimed in other disputes, of EUR 10 000;
- Order the Court of Auditors of the European Communities to pay the costs.