

— order the Office for Harmonisation in the Internal Market to pay the costs.

— take such further measures and grant such further relief, under the Statute of the Court of Justice and/or the Rules of procedure of the Civil Service Tribunal as may be necessary, just or equitable.

Action brought on 22 December 2009 — Allen and Others v Commission

(Case F-103/09)

(2010/C 37/80)

Language of the case: English

Parties

Applicants: John Allen (Oxford, United Kingdom) and Others (represented by: P. Lasok, I. Hutton, B. Lask, Barristers)

Defendant: European Commission

The subject matter and description of the proceedings

An application for damages and for the annulment of a decision refusing to pay damages in respect of the loss suffered by each applicant as a result of the fact that each of them was not recruited as a temporary servant of the Communities during the time when they worked at the JET Joint Undertaking.

Form of order sought

The applicants claim that the Tribunal should:

- annul the Commission's Decision dated 25 September 2009;
- declare that the applicants had a right to, and should have been, treated as "other personnel" and/or recruited as such, in accordance with Article 8 of the original JET Statutes;
- declare that the Commission discriminated against the applicants without objective justification during their engagement on the JET Project as regards their remuneration, pension rights and related benefits, and security of future employment;
- order the Commission to compensate the applicants for the loss of earnings, pensions, and related benefits and privileges occasioned by the aforesaid breaches of Community law, including interest thereon as appropriate;
- order the costs of this appeal to be paid by the Commission; and

Action brought on 21 December 2009 — Canga Fano v Council

(Case F-104/09)

(2010/C 37/81)

Language of the case: French

Parties

Applicant: Diego Canga Fano (Brussels, Belgium) (represented by: S. Rodriguez and C. Bernard-Glanz, lawyers)

Defendant: Council of the European Union

Subject-matter and description of the proceedings

Application for annulment of the defendant's decision not to include the applicant on the list of officials promoted to Grade AD 13 under the 2009 promotion procedure.

Form of order sought

The applicant claims that the Tribunal should:

- annul the appointing authority's decision not to include the applicant on the list of officials promoted to grade AD 13 under the 2009 promotion procedure;
 - annul, so far as necessary, the appointing authority's decision rejecting the applicant's complaint;
 - order the appointing authority to pay the applicant a sum fixed on equitable principles at EUR 150 000, in respect of compensation for the non-material harm suffered, plus default interest at the legal rate from the date on which it became payable, and a sum fixed on equitable principles at EUR 50 000, in respect of compensation for the harm to his career, plus default interest at the legal rate from the date on which it became payable;
 - order the Council to pay the costs.
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