

Case T-30/90

Wolfdietrich Zoder

v

European Parliament

(Officials — Promotion — Seniority)

Judgment of the Court of First Instance (Fourth Chamber), 14 May 1991 208

Summary of the Judgment

1. *Officials — Promotion — Minimum period in grade — Calculation — Starting point — Establishment — Member of the temporary staff appointed an official — Immaterial (Staff Regulations, Art. 45(1))*
2. *Officials — Promotion — Assurances — Disregard of the provisions of the Staff Regulations — Legitimate expectations — None (Staff Regulations, Art. 45(1))*
3. *Officials — Equality of treatment — Limits — Advantage unlawfully granted*

1. It follows from Article 45 of the Staff Regulations that in the case of an official's first promotion after recruitment the minimum period which he must complete in his grade in order to be eligible for promotion is calculated from the date of his establishment.

member of the temporary staff to be taken into account for the purposes of that minimum period in grade even if, when he was employed as a member of the temporary staff, he was eligible, as a successful candidate in a competition, to be appointed an official.

There is no provision in the Staff Regulations which allows the period during which an official, before his appointment, was employed by his institution as a

2. Assurances that are given, without regard to the relevant provisions of the Staff Regulations, to the effect that, for the

purposes of promotion, the period during which an official was employed by his institution as a member of the temporary staff would be taken into consideration cannot give rise to legitimate expectations on the part of the official.

3. An official cannot rely on the principle of equality of treatment to claim the benefit of a practice contrary to the provisions of the Staff Regulations since no person may plead in his own cause an unlawful act committed in favour of another.

JUDGMENT OF THE COURT OF FIRST INSTANCE (Fourth Chamber)
14 May 1991 *

In Case T-30/90,

Wolfdietrich Zoder, an official of the European Parliament, residing in Senningerberg (Grand-Duchy of Luxembourg), represented by Aloyse May, assisted by Carole Kerschen, of the Luxembourg Bar, with an address for service in Luxembourg at their Chambers, 31 Grand Rue,

applicant,

v

European Parliament, represented by Jorge Campinos, juriconsult, assisted by Manfred Peter and Jannis Pantis, members of its Legal Service, acting as Agents, with an address for service in Luxembourg at the General Secretariat of the European Parliament, Kirchberg,

defendant,

APPLICATION for the annulment of the decision of the European Parliament of 8 September 1989 not to include the applicant on the list of candidates promoted, with effect from 1 April 1988, to Grade LA 6 in the career bracket of translator,

* Language of the case: French.