

making its assessment, the latter has remained within reasonable limits and has not used its power in a manifestly incorrect way (see the judgment in Case 111/86 *Delauche v Commission* [1987] ECR 5345).

3. It is established case-law that a decision is vitiated by a misuse of powers only if it appears, on the basis of objective, relevant and consistent evidence, to have been taken for purposes other than those stated.

JUDGMENT OF THE COURT OF FIRST INSTANCE (Fourth Chamber)
16 October 1990 *

In Case T-128/89,

Christian Brumter, a former official of the Council, an official of the Commission of the European Communities, residing in Brussels, represented by Jean-Pierre Spitzer, of the Paris Bar, with an address for service in Luxembourg at the Chambers of Aloyse May, 31 Grand-Rue,

applicant,

v

Council of the European Communities, represented by Gijs Peeters, Adviser in its Legal Department, acting as Agent, with an address for service in Luxembourg at the office of Jörg Käser, Manager of the Legal Directorate of the European Investment Bank, 100 boulevard Konrad-Adenauer,

defendant,

APPLICATION for the annulment of the decision of 25 November 1988 of the Secretary-General of the Council of the European Communities promoting eight officials to Grade A 5,

* Language of the case: French.

THE COURT OF FIRST INSTANCE (Fourth Chamber)

composed of D. A. O. Edward, President, R. Schintgen and R. García-Valdecasas,
Judges,

(The grounds of the judgment are not reproduced.)

hereby:

- (1) Dismisses the application;**
- (2) Orders the parties to bear their own costs.**