

3. Third plea in law, alleging that such non-recognition of the applicant's qualifications is discriminatory and that the subsequent withdrawal of the job offer is disproportionate.
 - Candidates who withdraw from their Bachelor's degree after two years or more are eligible for diploma equivalent to the educational component required in the vacancy;
 - Therefore, the applicant considers the same time of two years to fulfil the purpose equally. Otherwise, the seemingly discriminatory situation would arise whereby candidates might have more educational attainment than required for the post, but be considered ineligible merely because the final diploma was issued after the year at which the required level was reached, even if they possessed official certification from a university of an EU Member State as part of such diploma provided for such purposes. Therefore, to withdraw a job offer merely on the basis that the diploma was issued later only by virtue of it covering another level is discriminatory and disproportionate due to a simplistic and rigid interpretation that is unjustified.

Action brought on 6 February 2023 — UG v ERCEA

(Case T-45/23)

(2023/C 127/57)

Language of the case: French

Parties

Applicant: UG (represented by: N. Flandin, lawyer)

Defendant: European Research Council Executive Agency

Form of order sought

The applicant claims that the Court should:

- declare the present action admissible and well founded;
- consequently,
- annul the applicant's 2021 appraisal report;
 - alternatively, annul the 2021 appraisal report in so far as it contains the contested comments;
 - as well as, and in so far as necessary, annul the ERCEA decision of 26 October 2022 in that it rejects the applicant's complaint against her 2021 appraisal report;
 - order the defendant to pay all of the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on two pleas in law.

1. First plea in law, alleging that the reasons for the contested decision are vitiated by a manifest error of assessment, a failure properly to take into account the previous appraisal reports, an infringement of Article 43 of the Staff Regulations of Officials the European Union and an infringement of the principle of the annual nature of the appraisal.
 2. Second plea in law, alleging that the contested decision and comments are vitiated by manifest errors of assessment, a breach of the principle of care, a failure to take into account the particular professional context, which was disrupted by the Covid pandemic in 2021 and the disproportionate nature of the comments as against the reality of the situation.
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