

Operative part of the order

1. The application for temporary interim relief is dismissed.
2. The costs are reserved.

Action brought on 30 November 2020 — OQ v Commission**(Case T-713/20)**

(2021/C 182/76)

*Language of the case: Croatian***Parties***Applicant:* OQ (represented by: R. Štaba, lawyer)*Defendant:* European Commission**Form of order sought**

The applicant claims that the Court should:

- in accordance with Article 263 TFEU, annul the decision of the European Personnel Selection Office of 3 September 2020, issued in respect of the competition EPSO/AD/378/20 (AD7) — Croatian-language (HR) lawyer-linguists, field: lawyer-linguists at the Court of Justice of the European Union, Official Journal of the European Union, C 72 A — of 5 March 2020; and
- annul the decision of the European Personnel Selection Office of 12 October 2020, issued in respect of the competition EPSO/AD/378/20 (AD7) — Croatian-language (HR) lawyer-linguists, field: lawyer-linguists at the Court of Justice of the European Union, Official Journal of the European Union, C 72 A — of 5 March 2020;
- order the defendant to pay the costs incurred by the applicant.

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 abuse of power on part of the defendant

On 12 October 2020, the European Personnel Selection Office (EPSO) issued a decision by which it rejected the applicant's complaint against the decision of 3 September 2020 excluding her from the following stage of the competition, on the grounds that the applicant, inter alia, has neither a diploma in Croatian law nor knowledge of Croatian law, and that the decision of 13 March 2013, which had recognised her diploma in the Croatian Republic, does not include a comparison of the study programmes. In this way, EPSO conducted its own assessment, although no provision of EU law entitles it to do so, and, therefore, infringed the principle of distribution of powers in the European Union and exceeded its powers, because it is indisputable that the assessment of foreign qualifications is to be undertaken exclusively by the national bodies which are entitled to do so by law; in this case, by the Croatian Agencija za znanost i visoko obrazovanje (Agency for Science and Higher Education), under the Law on recognition of foreign qualifications, the rules for the assessment of qualifications obtained from foreign institutions of higher education, and the assessment criteria applied in proceedings concerning the recognition of professional qualifications. One of the fundamental principles, the principle of subsidiarity, has been infringed.

2. Second plea in law, alleging a manifest error of assessment of the facts

EPSO acted in an arbitrary and discretionary manner. It did not take into account the legislature of the Croatian Republic, the practice of the Constitutional Court of the Croatian Republic, or the decision of the Agency for Science and Higher Education of 13 March 2013 which had recognised the applicant's foreign qualifications. Additionally, it entirely failed to examine the fact that the applicant had been registered on the list of trainee lawyers of the Croatian Bar Association, in accordance with the Croatian Law on the legal profession, and that, for the purposes of that registration, the applicant's recognised foreign qualifications had been regarded as equivalent to the Croatian qualifications that are required to carry out the professional duties of a trainee lawyer. The applicant undertook traineeships in law firms, which makes it clear, contrary to the defendant's assertions, that she has knowledge of the Croatian legal system and of Croatian law, as well as a sufficient level of professional skills and experience for the post in respect of which the competition was organised (in the meantime, the applicant also sat — and passed — the bar exam). Additionally, EPSO did not take into account the fact that the applicant has over three years' experience in the field of translation.

Action brought on 16 February 2021 — Sánchez-Gavito León v Council and Commission

(Case T-100/21)

(2021/C 182/77)

Language of the case: English

Parties

Applicant: Maria del Carmen Sánchez-Gavito León (Reston, Virginia, United States) (represented by: M. Veissiere, lawyer)

Defendants: Council of the European Union, European Commission

Form of order sought

The applicant claims that the Court should:

- declare unlawful the failure to act of the defendants;
- order the EU represented by the defendants, as a member of the International Cotton Advisory Committee (ICAC), to take actions against the Executive Director of the ICAC for misconduct;
- order the immediate suspension of the EU's financial contribution to the ICAC until the ICAC respects the human rights as protected by the EU Treaties;
- order the EU represented by the Commission and the Council to pay her by way of compensation for moral damages the amount of €300 000,00;
- order the EU represented by the Commission and Council to paid her by way of compensation for loss of employment, opportunity and damage to her career: US\$103 542,92 (at the current exchange rate in Euro) equivalent to one year and half of salary based on her last salary slip at the ICAC (US\$69 055,28);
- order the EU represented by the Commission and Council to paid her by way of compensation for material damages: US \$19 368,13 (at the current exchange rate in Euro) with a payment of interest at the current legal rate per annum (since June 2019);
- order the EU to pay the costs, including but not limited to legal costs as per attorney invoice(s).