



## Reports of Cases

### Judgment of the General Court (Third Chamber) of 12 September 2018 – PH v Commission

(Case T-613/16)

(Civil Service — Recruitment — Open competition — Notice of competition EPSO/AST-SC/03/15 —  
Decision to exclude the candidate from the competition — Family connection to a member of the  
selection board — Equal treatment)

1. *Actions brought by officials — Acts adversely affecting an official — Decision adopted after reconsideration of a previous decision — Decision adopted by a competition selection board after reconsideration of the candidate's situation*

*(Staff Regulations of Officials, Arts 90 and 91)*

*(see paras 31-34)*

2. *Officials — Competitions — Selection Board — Observance of the principle of equal treatment between candidates — Failure to provide information about the family relationship between a candidate and a member of the selection board — Exclusion of the candidate — Breach of principle of proportionality — None*

*(Staff Regulations of Officials, Arts 27 and 30)*

*(see paras 46, 51, 55, 100, 101, 106, 168, 169)*

3. *Officials — Principles — Protection of legitimate expectations — Conditions — Specific assurances given by the authorities*

*(see paras 65, 70, 74)*

4. *Officials — Equal treatment — Meaning — Limits*

*(see paras 112, 116, 130, 131)*

5. *Officials — Principles — Rights of defence — Obligation to hear the person concerned before adopting a measure adversely affecting him — Scope*

*(Charter of Fundamental Rights of the European Union, Art. 41(2))*

*(see paras 199, 201-207)*

6. *EU law — Principles — Duty to act within a reasonable time — Infringement in an administrative procedure — Effects*

*(Charter of Fundamental Rights of the European Union, Art. 41(1))*

*(see paras 216, 217)*

7. *EU law — Principles — Principle of sound administration — Duty of diligence — Scope*

*(Charter of Fundamental Rights of the European Union, Art. 41)*

*(see paras 225, 226)*

8. *Judicial proceedings — Introduction of new pleas during the proceedings — Plea raised for the first time at the reply stage — Inadmissibility*

*(Rules of Procedure of the General Court, Art. 84)*

*(see paras 250, 251)*

**Re:**

Action pursuant to Article 270 TFEU seeking annulment of the decision of 19 May 2016 confirming, in response to a request for review made by the applicant, the exclusion of the latter from the competition EPSO/AST-SC/03/15.

**Operative part**

The Court:

1. Dismisses the action;
2. Orders PH to pay the costs.