

Pleas in law and main arguments

The applicant, who was classified in Grade A7, Step 3, upon entering the service of the Commission in September 1986, challenges the decision of the appointing authority, adopted following a reconsideration of that classification following the judgment of the Court of Justice in Case C-389/98 P Gevaert v Commission, to reclassify him in Step 1 of Grade A6, instead of Step 3 of that grade, and revising and setting at new dates his subsequent classification in Grade A5, Step 2, and A4, Step 2, and limiting the pecuniary effects of that reclassification to 5 October 1995.

In support of his claims, action, the applicant claims that the Commission has breached:

- the decisions of 6 June 1973 and 1 September 1983 in so far as it omitted to grant the applicant the slightest seniority in step, and also Article 5(3) of the Staff Regulations in so far as the Commission applied to the applicant a different outcome from that of officials in the same category;
- Articles 5(3) and 45 of the Staff Regulations by refusing to reconstruct his career in grade following his reclassification in Grade A6, and breach of the duty to have regard to the welfare of officials;
- Article 62 of the Staff Regulations by limiting in time the pecuniary effects of his reclassification.

**Action brought on 22 December 2003 by Liam O’Bra-
daigh against the Commission of the European Communi-
ties**

(Case T-431/03)

(2004/C 47/71)

(Language of the case: French)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 22 December 2003 by Liam O’Bradaigh, residing in Mechelen (Belgium), represented by Sébastien Orlandi, Albert Coolen, Jean-Noël Louis and Étienne Marchal, lawyers, with an address for service in Luxembourg.

The applicant claims that the Court should:

- Annul the decision of the selection board in competition COM/TB/99 to award the applicant an insufficient mark in the oral test to allow him to be entered on the reserve list;
- Order the defendant to pay the costs.

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Following the judgment of the Court of First Instance on 13 March 2002 in Case T-364/00 Van Weyenberg, the applicant in the present case, as in Case T-161/01, objects to the decision of the selection board in competition COM/TB/99 constituting a reserve list of administrative assistants, senior administrative assistants and principal administrative assistants, in Grades B5/B4, B3/B2 and B1 respectively, not to enter him on the reserve list in that competition on the ground that he was awarded an insufficient mark in the oral test.

In support of his claims, he alleges that there has been a breach of the principles of non-discrimination and proper administration and also a manifest error of assessment.

The applicant criticises the method used by the selection board to assess his knowledge of languages and claims, in particular, that he was unable to ascertain whether the questions put during the oral test correspond to the level of the competition B5/B4, B3/B2 or B1.

**Action brought on 22 December 2003 by Jean Dehon
against the European Parliament**

(Case T-432/03)

(2004/C 47/72)

(Language of the case: French)

An action against the European Parliament was brought before the Court of First Instance of the European Communities on 22 December 2003 by Jean Dehon, residing in Hagen (Luxembourg), represented by Sébastien Orlandi, Albert Coolen, Jean-Noël Louis and Étienne Marchal, lawyers, with an address for service in Luxembourg.