

COURT OF FIRST INSTANCE

Action brought on 16 April 2004 by Elisabetta Righini against the Commission of the European Communities**(Case T-145/04)**

(2004/C 179/20)

(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 16 April 2004 by Elisabetta Righini, living in Brussels, represented by Eric Boigelot, lawyer.

The applicant claims that the Court should:

- Annul the Commission's decisions classifying the applicant at Grade A7-3 on her entry into service, whether as a member of the temporary staff or as a probationary official, such decisions having been notified to her on 27 May 2003 and 30 June 2003;
- Order the Commission to pay the costs, pursuant to Article 87(2) of the Rules of Procedure of the Court of First Instance.

Pleas in law and main arguments

The applicant challenges her classification in Grade A7, Step 3, on her appointment as a probationary official on 21 May 2003.

In support of her claims, she alleges:

- infringement of Article 31(2) of the Staff Regulations;
- infringement of the Commission's decision of 1 September 1983, as amended on 7 February 1996, specifying the criteria to be applied when classifying members of the temporary staff and officials in their grade and step upon recruitment;
- infringement of certain general principles of law, such as the principle of equal treatment, the protection of legitimate expectations and the duty to have due regard to the welfare of officials, and also of the principles requiring the appointing authority to make a decision only on the basis of relevant grounds, not vitiated by an obvious error of assessment.

The applicant argues that both her exceptional qualifications and the profile of the post in question, which required that a particularly qualified person be appointed, justified her classification in Grade A6.

Action brought on 26 April 2004 by TQ3 Travel Solutions against the Commission of the European Communities**(Case T-148/04)**

(2004/C 179/21)

(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 26 April 2004 by TQ3 Travel Solutions, established in Mechelen (Belgium), represented by Rusen Ergec and Kim Möric, lawyers.

The applicant claims that the Court should:

- Annul the Commission's decision of 24 February 2004, informing the applicant of the rejection of its tender for Lot 1 (Brussels) of Contract No ADMIN/D1/PR/2003/131;
- Annul the Commission's decision awarding Lot 1 to Carlson Wagonlit Travel, notified to the applicant by a letter from the Commission of 16 March 2004;
- Hold that the unlawful action by the Commission constitutes a fault capable of rendering it liable to the applicant;
- Send the applicant back to the Commission for the loss suffered to be assessed;
- Order the Commission to pay the costs.

Pleas in law and main arguments

Following a restricted invitation to tender for 'travel agency services' ⁽¹⁾ issued on 20 October 2003 and the tendering procedure, the Commission took the decision not to award the contract to the applicant and to award it to Carlson Wagonlit Travel.

The applicant makes two identical pleas in law challenging those decisions, alleging obvious error by the Commission in assessing the tenders.

In its first plea, the applicant claims that the Commission made an obvious error of assessment by holding that the tender of Carlson Wagonlit Travel was not abnormally low; it also claims that the Commission acted unlawfully by failing to comply with the obligation under Article 146(4) of Commission Regulation (EC) No 2342/2002 of 23 December 2002 ⁽²⁾, requiring it to ask for appropriate clarifications as to the composition of the tender.