

Pleas in law and main arguments:

The applicant submitted her candidature for open competition COM/A/6/01 for the recruitment of administrators in the fields of external relations and the management of aid. In her candidature she stated that she had obtained a German diploma after three years of studies. Having passed the competition, she applied for a vacant post in the Commission. By letter of 30 July 2003 the Commission informed her that, having regard to her diploma, it was unable to accept her candidature. According to the Commission, only a German diploma obtained after four years' studies would satisfy the conditions for admission to the competition, which stipulated that the necessary diplomas must give access to doctoral studies.

In support of her action for annulment of that decision, the applicant pleads breach of the principle of legal certainty, the unlawfulness of withdrawing a decision that has conferred rights on an individual, infringement of the competition notice in question and a manifest error of assessment.

Action brought on 19 July 2004 by Carlo Pagliacci against the Commission of the European Communities

(Case T-307/04)

(2004/C 262/80)

(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 19 July 2004 by Carlo Pagliacci, resident in Brussels, represented by Sébastien Orlandi, Albert Coolen, Jean-Noël Louis and Etienne Marchal, lawyers, with an address for service in Luxembourg.

The applicant claims that the Court should:

- annul the decision of the jury in competition COM/A/1/02 awarding the applicant insufficient marks for him to be placed on the list of successful candidates;
- order the Commission to pay the costs.

Pleas in law and main arguments:

In support of his action, the applicant alleges an infringement of the competition notice, since a number of candidates placed on the list of those to have been successful did not possess the prescribed qualification, directly related to the sphere of agriculture. He also submits that one of the members of the jury worked with some of the candidates on a daily basis. In his submission, that fact placed the relevant candidates in a special situation by comparison with the other candidates and conse-

quently entailed an infringement of the principle of equal treatment and non-discrimination. Since it is alleged that the appointing authority had not been made aware of this situation, the applicant also relies on an infringement of Article 14 of the Staff Regulations on that basis.

Action brought on 19 July 2004 by Francesco Ianniello against the Commission of the European Communities

(Case T-308/04)

(2004/C 262/81)

(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 19 July 2004 by Francesco Ianniello, resident in Brussels, represented by Sébastien Orlandi, Albert Coolen, Jean-Noël Louis and Etienne Marchal, lawyers, with an address for service in Luxembourg.

The applicant claims that the Court should:

- annul the appeal assessor's decision of 8 September 2003 approving the applicant's 2001-2002 career development report;
- order the Commission to pay the costs.

Pleas in law and main arguments:

In support of his appeal, the applicant invokes a breach of Article 8 of the general provisions implementing Article 43 of the Staff Regulations. The applicant claims that the provision is unlawful because it provides for the appointment of members of the Joint Evaluation Committee whose grade is the same as, or lower than, that of the applicant and who thus do not possess all the guarantees of independence or the requisite powers. The applicant adds that, although he acts on the authority of a staff union, the director of resources or his alternate did not withdraw and took part in the consideration of his appeal.

The applicant also claims that there was a breach of the duty of confidentiality on the part of the members of the Joint Evaluation Committee, a breach of the principle that the Joint Committee should be impartial and objective, a breach of the rights of defence and of the right to an inter partes hearing, a breach of the principle of sound administration and a manifest error of assessment and inconsistency between the comments and the marks awarded.
