

Action brought on 11 February 2005 by P. against Commission of the European Communities

(Case T-103/05)

(2005/C 132/54)

(Language of the case: Spanish)

An action against Commission of the European Communities was brought before the Court of First Instance of the European Communities on 11 February 2005 by P., residing in Barcelona (Spain), represented by Matías Griful I Ponsati, lawyer.

The applicant claims that the Court should:

1. Annul the contested decision of 28 October 2004 and the decision of 10 May 2004;
2. Uphold the applicant's right to receive his remuneration from 15 April 2004 until he is certified medically fit and able to work;
3. Order the Commission to pay the costs.

Pleas in law and main arguments

The present action is against the decision of the appointing authority of 28 October 2004 which, after noting that the defendant's medical department had confirmed that the applicant was fit to travel and work on a half-time basis, confirmed suspension of payment of his salary from 15 April 2004 until the date on which he commenced performing his duties at the Commission's offices in Brussels.

It is claimed in that connection that the applicant, whose appointment to a post at the Commission's Representative Office in Barcelona was justified by family circumstances, was subject to anxiety and depression as a result of the abolition of his post at that office.

In support of his claims, the applicant alleges:

- Infringement of Articles 11, 12 and 13 of the European Social Charter, in that they uphold entitlement to protection of health, safety, social security and social and medical assistance;
- Infringement of Part II of the European Social Security Code of 16 April 1964, in particular Article 10 thereof, in that, by granting the right to home visits by a doctor, it grants patients a right not to have to leave their homes;
- Infringement of Article 10 of Convention No 102 and Article 13 of Convention No 130 of the ILO;

— Infringement of Articles 72 and 73 of the Staff Regulations.

Action brought on 2 March 2005 by David Tas against the Commission of the European Communities

(Case T-124/95)

(2005/C 132/55)

(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 2 March 2005 by David Tas, residing in Brussels (Belgium), represented by Sébastien Orlandi, Xavier Martin, 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 Selection Board's decision in competition EPSO/A/4/03 not to admit him to the tests in the competition;
- order the Commission to pay the costs.

Pleas in law and main arguments

The applicant, who possesses a university diploma of 'M Sc in Business Administration', was a candidate in competition EPSO/A/4/03 for the drawing up of a reserve list of assistant administrators at Grade A8 in the auditing sphere. He challenges the Selection Board's decision to exclude him from the competition on the grounds that his university diploma did not satisfy the conditions of the competition notice.

In support of his action, the applicant pleads infringement of the conditions for admission fixed in the competition notice and a manifest error of assessment. He also claims that two other candidates, who were admitted to the competition tests, held the same diploma awarded by the same faculty of the same university and on that basis alleges breach of the principle of equal treatment.