

Moreover, the applicant submits that the ground for the contested decision is unlawful and arbitrary if the refusal of the Head of Department to retain her is based on adverse assessments made of her in the past.

Finally, the applicant raises pleas of failure to state reasons, breach of the duty to have regard for the welfare of officials and of the right to be heard and manifest errors of assessment, if the refusal of the Head of Department and/or the dismissal are based on professional failings within the EECA department or generally.

Action brought on 4 May 2005 by Dypna Mc Sweeney and Pauline Armstrong against the Commission of the European Communities

(Case T-184/05)

(2005/C 182/74)

(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 4 May 2005 by Dypna Mc Sweeney, residing in Brussels, and Pauline Armstrong, residing in Overijse (Belgium), represented by Sébastien Orlandi, Xavier Martin, Albert Coolen, Jean Noël Louis and Etienne Marchal, lawyers, with an address for service in Luxembourg.

The applicants claim that the Court should:

1. annul the decisions of 6 and 7 September 2004 refusing to admit the applicants to the EPSO/C/11/03 competition tests;
2. order the defendant to pay the costs.

Pleas in law and main arguments

The applicants participated in the EPSO/C/11/03 competition organised for the purposes of drawing up a reserve list of English-language secretaries at grade C5/C4. The selection board in that competition decided to exclude them from the tests of that competition, on the ground that their diplomas did not correspond to the level required by the competition notice.

In support of their action, the applicants submit that that decision infringes the competition notice and stems from a manifest error of assessment.

Action brought on 2 May 2005 by Joël de Bry against the Commission of the European Communities

(Case T-188/05)

(2005/C 182/75)

(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 May 2005 by Joël De Bry, residing in Woluwé-St-Lambert (Belgium), 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:

1. annul the Commission's decision drawing up the applicant's career development report for 2003.
2. order the defendant to pay a symbolic Euro to be increased pending proceedings together with costs.

Pleas in law and main arguments

In support of his action, the applicant alleges, first, an objective conflict of interests on the part of his appraiser who is on the same grade.

Furthermore, he claims that errors were made in assessing his merits and argues that there were inconsistencies between the comments and the marks which he was attributed.

Finally, the applicant alleges infringement of the general provisions implementing Article 43 of the Staff Regulations and the aims and objectives sought by the establishment of a new system focused on career development, as well as breach of the obligation to state reasons, the rights of the defence, and Article 26 of the Staff Regulations.

Action brought on 4 May 2005 by Usinor against the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)

(Case T-189/05)

(2005/C 182/76)

(Language of the case: French)

An action against the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) was brought before the Court of First Instance of the European Communities on 4 May 2005 by Usinor, whose registered office is in Paris, represented by Patrice de Condé, lawyer.