

The applicant claims that the Court should:

1. annul the decision adopted by the Appointing Authority on 10 February 2005 (notified under cover of a note dated 14 February 2005, received on 25 February 2005), rejecting the claim brought by the applicant on 16 September 2004 against the decision of 22 June 2004 adopted by the president of the selection board of Competition COM/PB/04 refusing the applicant admission to that competition;
2. in addition, in so far as it is necessary, annul the decision adopted on 22 June 2004 by the president of the selection board of Competition COM/PB/04 and the confirmation thereof dated 19 July 2004;
3. order the defendant to pay the costs.

*Pleas in law and main arguments*

The application of the applicant, an auxiliary agent at the Commission, for admission to internal competition for change of category COM/PB/04 was rejected on the ground that he was not a temporary agent or an official at the closing date for the lodging of applications.

The applicant relies on two pleas, alleging

- firstly, infringement of Articles 27 and 29(1) of the Staff Regulations and a manifest error of assessment in that the contested decisions and the notice of competition had the effect of excluding candidates who could show that they had particular skills and considerable professional experience within the Commission in favour of candidates who were potentially less competent and who had less effective seniority in the Commission's services, and
- secondly, infringement of the principle of non-discrimination in that employees the greater part of whose career had been spent at the Commission as auxiliary agents would be admitted to the competition on the sole ground that they were temporary agents at the closing date for the lodging of applications, whereas the applicant, who was a temporary agent of long standing, was excluded on the sole ground that he was an auxiliary agent on that date.

**Action brought on 30 May 2005 by the Italian Republic against the Commission of the European Communities**

**(Case T-212/05)**

(2005/C 193/62)

*(Language of the case: Italian)*

An action against the Commission of the European Communities was brought before the Court of First Instance of the

European Communities on 30 May 2005 by the Italian Republic, represented by Antonio Cingolo, Avvocato dello Stato.

The applicant claims that the Court should:

1. annul the following memoranda [No 02772 of 21 March 2005 [POR Campania Region Ob 1 2000-2006 (No. CCI 1999 IT 16 1 PO 007)], No. 04534 of 13 May 2005 [Docup Ob 2 Lombardy Region 2000-2006 (No. CCI 2000 IT 16 2 DO 014)] and No 04537 of 13 May 2005 [Docup Ob 2 Lombardy Region 2000-2006 (No CCI 2000 IT 16 2 DO 014)]] and all related and prior measures;
2. order the Commission to pay the costs.

*Pleas in law and main arguments*

The pleas in law and main arguments are the same as those relied on in Case T-345/04 between the Italian Republic and the Commission <sup>(1)</sup>.

<sup>(1)</sup> OJ C 262 of 23.10.2004, p. 55.

**Action brought on 26 May 2005 by Jean-Luc Delplancke and Matteo Governatori against the Commission of the European Communities**

**(Case T-213/05)**

(2005/C 193/63)

*(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 May 2005 by Jean-Luc Delplancke, residing in Braine-le-Comte (Belgium), and Matteo Governatori, residing in Saint-Josse-ten-Node (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:

- annul the decisions to appoint the applicants officials of the European Communities to the extent that they set their recruitment grade pursuant to Article 12 of Annex XIII to the Staff Regulations;