

**Action brought on 17 June 2005 by Guido Strack against the Commission of the European Communities**

(Case T-225/05)

(2005/C 205/50)

(Language of the case: German)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 17 June 2005 by Guido Strack, residing in Cologne (Germany), represented by J. Mosar, lawyer, with an address for service in Luxembourg.

The applicant claims that the Court should:

- take cognisance of the application lodged by the applicant under Article 91 of the Staff Regulations;
- declare the application to be admissible and well-founded;
- set aside the defendant's decision of 22 March 2005 rejecting the appeal;
- set aside the defendant's decision of 19 November 2003 rejecting the application for the post;
- set aside competition procedure COM/A/057/04;
- order the defendant to pay damages to the applicant in the amount of EUR 5 000 in respect of the non-material damage suffered by him on account of the unlawfully implemented selection procedure and the decision to reject him, which was delayed and notified to him only after repeated requests;
- order the Commission to pay all of the costs.

*Pleas in law and main arguments*

The applicant took part in selection procedure COM/A/057/04. By letter of 19 November 2004 the defendant informed the applicant that his application had not been considered. The appeal which the applicant made against this decision was rejected by the European Commission in its decision of 18 March 2005. The present application seeks to have the appointing authority's decision of 19 November 2004 in the form of its appeal decision of 18 March 2005 set aside and also to have selection procedure COM/A/057/04 set aside.

The applicant is relying on five grounds to support his application. Firstly he asserts that the selection procedure infringes the European Commission's Decision of 28 April 2004 regarding

the middle management level (C(2004) 15997, VM 73-2004) as the pre-selection body did not include any member of another Directorate-General. Furthermore, it is claimed that there is an infringement of Article 11 and Article 22a(3) of the Staff Regulations of Officials of the European Communities by reason of the participation of two members of the pre-selection body in the selection of candidates. Thirdly, the applicant submits that Articles 2, 4, 5, 7 and 29 of the Staff Regulations of Officials of the European Communities have been infringed as the appointing authority did not choose the most suitable candidate. In addition, he claims that the decision of 19 November 2004 rejecting his candidature infringes Article 25 of the Staff Regulations of Officials of the European Communities as the justification for it is not given. Lastly, the applicant submits that there has been a breach of the principle of good administration under Article 41 of the Charter of fundamental rights of the European Union and of the duty to have regard for the welfare of officials as he was not properly informed that the post had been filled by someone else.

**Action brought on 14 June 2005 by Dimitra Lantzoni against the Court of Justice of the European Communities**

(Case T-226/05)

(2005/C 205/51)

(Language of the case: French)

An action against the Court of Justice of the European Communities was brought before the Court of First Instance of the European Communities on 14 June 2005 by Dimitra Lantzoni, residing in Luxembourg, represented by Michèle Bouché, lawyer.

The applicant claims that the Court should:

- order the Court of Justice to pay EUR 50 000 as compensation for the non-material loss suffered by the applicant as a result of serious irregularities that have led to the blocking of her career;
- order the defendant to pay the costs.