

**Judgment of the Civil Service Tribunal (Second Chamber)
of 22 May 2008 — Pascual-García v Commission**

(Case F-145/06) ⁽¹⁾

(Staff case — Open competition — Conditions of eligibility — Required professional experience — Refusal to recruit a candidate on the reserve list — Discretion of selection board and appointing authority)

(2008/C 209/129)

Language of the case: French

Parties

Applicant: Cesar Pascual-García (Madrid, Spain) (represented by: B. Cortese and C. Cortese, lawyers)

Defendant: Commission of the European Communities (represented by: J. Currall and M. Velardo, agents)

Re:

Annulment of the decision of 7 April 2006 of the Director General of the Joint Research Centre of the Commission refusing to take the applicant's application into consideration for the post referred to in vacancy notice COM/2005/2969 — B/3/B*11 — IHCP — Ispra, and adding a comment in the reserve list of competition EPSO/B/23/04, informing the Commission's departments that the applicant does not meet the conditions of eligibility for that competition

Operative part of the judgment

The Tribunal:

1. annuls the decision of 7 April 2006 of the Director General of the Joint Research Centre (JRC) of the Commission of the European Communities refusing to take the application of Mr Pascual-García into consideration for vacancy notice COM/2005/2969, and adding a comment in the reserve list of the open competition EPSO/B/23/04, informing the departments that the applicant did not meet the conditions of eligibility for that competition;
2. orders the Commission of the European Communities to pay the costs.

⁽¹⁾ OJ C 56 of 10.3.2007, p. 42

**Judgment of the Civil Service Tribunal (Second Chamber)
of 26 June 2008 — Joseph v Commission**

(Case F-54/07) ⁽¹⁾

(Staff cases — Contract staff — Action out of time — Unforeseeable circumstances — Recruitment — Articles 3a, 3b and 85 of the CEOS — Duration of the contract — Commission Decision of 28 April 2004 on the maximum duration for the recourse to non-permanent staff in the Commission services — Article 12 of the GIP on the procedures governing the engagement and the use of contract staff at the Commission — Equal treatment)

(2008/C 209/130)

Language of the case: French

Parties

Applicant: Anne Joseph (Damascus, Syria) (represented by: N. Lhoëst and S. Fernandez, lawyers)

Defendant: Commission of the European Communities (represented by: G. Berscheid and L. Lozano Palacios, Agents)

Re:

Application for annulment of the contract employing the applicant as a member of the contract staff, in so far as its duration is not fixed at 3 years but at 15 months, on the basis, first, of the Commission decision of 28 April 2004 relating to the maximum duration for the recourse to non-permanent staff in the Commission services and, secondly, on Article 12 of the General Implementing Provisions on the procedures governing the engagement and the use of the contract staff at the Commission.

Operative part of the judgment

The Tribunal:

1. Dismisses the application;
2. Orders each party to bear its own costs.

⁽¹⁾ OJ C 199, 25.8.2008, p. 50.