

2. Second plea in law, alleging a factual inaccuracy regarding the written tests leading to a violation by the CST of the principle of equal treatment and a distortion of evidence. The appellant considers that the Tribunal made a mistake when it held that it had not been established or even alleged that the questions asked in the written test were identical for all the candidates, since the defendant confirmed it in his statement of defence. This inaccuracy affected the Tribunal's conclusion in law as the principle of equal treatment requires written tests to take place at the same time for all candidates, and not on different days as it was the case in the appellant's selection procedure. Moreover, the judges at first instance rejected the appellant's plea regarding the lack of anonymity of the written test, based on a mere allegation by FRA which she had contested.

3. Third plea in law, alleging the irregular composition of the selection committee, distortion of evidence and violation by the CST of its duty to state reasons. The appellant considers that the Tribunal erred in law and distorted the evidence when it considered, without any further motivation, that the Head of the Administration department of the FRA and the Financial Manager of the FRA had in depth knowledge and experience in the area of procurement, based on mere allegations of FRA contested by the appellant. This lack of expertise also affected the results of the selection.

4. Fourth plea in law, alleging a violation of the duty to state reasons, unreasonable time to issue the judgment. The appellant considers that the judges at first instance erred in law when deciding the defendant had satisfied its obligation to state reasons since the appellant did not know, until the procedure at first instance, which criteria had been used for the assessment of her candidature, was not informed of which qualifications she did not fulfil and did not receive a breakdown of the global marks received until the hearing. The Tribunal also illegally relied on a document submitted by the defendant at the hearing to reach the conclusion that the defendant had satisfied its obligation to state reasons, without justifying of any exceptional circumstances. Moreover, firstly, if the appellant had received this document during the administration phase as she requested, she would have been able to better understand the reasons for her non-selection and challenge this decision more effectively. Secondly, the length of the procedure before the CST would have been more reasonable.

5. Fifth plea in law, alleging a violation of Article 87(2) and 88 of the Rules of Procedure of the CST regarding the costs, violation of the duty to state reasons. The appellant considers that the Tribunal illegally ordered the appellant to bear her own costs and those of the defendant.

Action brought on 21 February 2013 — Othman v Council

(Case T-109/13)

(2013/C 129/46)

Language of the case: French

Parties

Applicant: Razan Othman (Damascus, Syria) (represented by: E. Ruchat, lawyer)

Defendant: Council of the European Union

Form of order sought

— declare the applicant's action admissible and well-founded;

— consequently, annul Decision 2012/739/CFSP of 29 November 2012 and Regulation No 1117/2012 (EU) of 29 November 2012 and their subsequent implementing measures, in so far as they concern the applicant;

— order the Council of the European Union to pay the costs of the proceedings.

Pleas in law and main arguments

In support of her action, the applicant relies on three pleas in law which are in essence identical or similar to those raised in the context of Case T-432/11 *Makhlouf v Council*.⁽¹⁾

⁽¹⁾ OJ 2011 C 290, p. 13.

Action brought on 23 February 2013 — Republic of Lithuania v European Commission

(Case T-110/13)

(2013/C 129/47)

Language of the case: Lithuanian

Parties

Applicant: Republic of Lithuania (represented by: D. Kriauciūnas, R. Krasuckaitė and D. Skara)