

4. Fourth plea in law, alleging a failure to state reasons and an error of law undermining the consistency of the case-law in that the Civil Service Tribunal held that the irregularity relating to the failure to state reasons required by Article 6(1) of Decision 45-2010 with regard to the report of the Pre-selection Committee is liable to lead to the annulment of the decisions contested at first instance.

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**Appeal brought on 17 December 2013 by the European Commission against the judgment of the Civil Service Tribunal of 7 October 2013 in Case F-97/12 Thomé v Commission**

(Case T-669/13 P)

(2014/C 52/76)

*Language of the case: French*

**Parties**

*Appellant:* European Commission (represented by J. Currall and G. Gattinara, acting as Agents)

*Other party to the proceedings:* Florence Thomé (Brussels, Belgium)

**Form of order sought by the appellant**

The appellant claims that the Court should:

- set aside the judgment of the Civil Service Tribunal of 7 October 2013 in Case F-97/12 *Thomé v Commission*;
- dismiss the action brought by Ms Thomé in Case F-97/12 as inadmissible, or, in any event, as unfounded;
- reserve the costs.

**Grounds of appeal and main arguments**

In support of the appeal, the appellant relies on five grounds of appeal.

1. First ground of appeal, alleging infringement of the concept of an act adversely affecting an official. The Commission claims, first, that an act already annulled by the appointing authority in a complaints procedure is not open to being annulled in an action before a Court and, second, that a decision granting a claim of the person concerned cannot be qualified as an act adversely affecting an official (concerning paragraphs 28 to 37 of the judgment under appeal).
2. Second ground of appeal, alleging, first, an error in law in the definition of the extent of the power of review of the appointing authority and of the Civil Service Tribunal with regard to the decisions of selection boards, and the Civil Service Tribunal's power of judicial review and, second, a clear distortion of the subject-matter of the proceedings and a breach of the adversarial principle (concerning paragraphs 50 to 52 of the judgment under appeal). The Commission submits that the Civil Service Tribunal applied an erroneous test of judicial review to the decisions before it, namely decisions of the appointing authority, thus exceeding the limits of its judicial review.

3. Third ground of appeal, alleging breach of the rules of law relating to the assessment of the existence of a university degree in accordance with the notice of competition (concerning paragraphs 56 to 58 of the judgment under appeal). The Commission claims that the Civil Service Tribunal erred in law by taking the professional value of a degree for its academic value and by considering that a non-official degree, such as a document issued by a private educational institution and not recognised for its academic value, must be taken into consideration by the appointing authority.

4. Fourth ground of appeal, alleging breach of the obligation to state reasons in that the Civil Service Tribunal did not explain how, at the date of submission of her application, the degree of the applicant at first instance had complied with the condition laid down in the notice of competition, when that compliance had only been established subsequently, during the complaints procedure (concerning paragraphs 56, 57 and 60 to 64 of the judgment under appeal).

5. Fifth ground of appeal, alleging errors in law in that the Civil Service Tribunal considered that the applicant at first instance had lost a chance of being recruited and must be compensated (concerning paragraph 74 of the judgment under appeal).

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**Action brought on 17 December 2013 — PAN Europe and Confédération paysanne v Commission**

(Case T-671/13)

(2014/C 52/77)

*Language of the case: English*

**Parties**

*Applicants:* Pesticide Action Network Europe (PAN Europe) (Brussels, Belgium) and Syndicat agricole Confédération paysanne (Bagnolet, France) (represented by: B. Kloostra, lawyer)

*Defendant:* European Commission

**Form of order sought**

The applicants claim that the Court should:

- Annul the Commission decision of 9 October 2013 in which the Commission declared inadmissible:
  - The request for internal review of Implementing Regulation (EU) No 485/2013 of 24 May 2013 amending Implementing Regulation (EU) No 540/2011, as regards the conditions of approval of the active substances clothianidin, thiamethoxam and imidacloprid, and prohibiting the use and sale of seeds treated with plant protection products containing those active substances (OJ 2013 L 139, p. 12);