

Santo Picciolo
v European Parliament

(Officials — Recruitment — Application of Article 29 (2)
of the Staff Regulations)

Case 111/83

1. *Officials — Recruitment — Vacancy Notice — Application — Obligation on candidate to provide all useful information — Necessity of additional information — Discretion of the administration*
 2. *Officials — Recruitment — Vacancy Notice — Consideration of applications with regard to conditions laid down — Discretion of the administration — Review by the Court — Limits*
 3. *Officials — Decision adversely affecting an official — Obligation to state reasons — Purpose*
(*Staff Regulations of Officials, Art. 25*)
 4. *Officials — Individual decision — Late notification — Effects*
(*Staff Regulations of Officials, Art. 25*)
 5. *Officials — Proceedings — Interest in bringing proceedings — Action for the annulment of the appointment of another official — Inadmissibility — Conditions*
(*Staff Regulations of Officials, Arts 90 and 91*)
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1. In a recruitment or transfer procedure it is incumbent upon each candidate to provide all the useful facts and information which will permit the appointing authority to decide whether or not he fulfils the conditions laid down in the vacancy notice. It is for that authority alone, or where appropriate the selection committee, to decide whether additional information should be sought from candidates.
 2. It is for the appointing authority to assess whether a candidate fulfils the conditions required by the vacancy notice, and that assessment may be questioned only in the event of manifest error.
 3. The obligation to state the reasons on which a decision adversely affecting an official is based is intended on the one hand to enable the Court to review the legality of the decision and

¹ — Language of the Case: French.

- on the other hand to provide the person concerned with the information necessary to recognize whether or not the decision is well founded.
4. A delay in the notification of an individual decision to the person concerned cannot entail the annulment of that decision, since its notification is an act subsequent to the decision and therefore has no influence on its contents.
5. In order for an official to bring proceedings pursuant to Articles 90 and 91 of the Staff Regulations against a decision of the appointing authority, he must have a personal interest in the annulment of the measure in question.
- An official who cannot himself validly claim a vacant post, since he lacks the necessary qualifications, has no legitimate interest in the annulment of the appointment of another candidate to that post.

In Case 111/83

SANTO PICCIOLO, an official of the Office for Official Publications of the European Communities, assisted and represented by Victor Biel of the Luxembourg Bar, with an address for service in Luxembourg at the Chambers of Mr Biel, 18 A Rue des Glacis,

applicant,

v

EUROPEAN PARLIAMENT, represented by Manfred Peter, Head of its Legal and Administrative Questions Division, acting as Agent, assisted by Alex Bonn, of the Luxembourg Bar, with an address for service at the Chambers of Mr Bonn, 22 Côte d'Eich,

defendant,

APPLICATION for the annulment of the decision not to accept the applicant's candidature for a post of principal administrator (Career Bracket A 5/4) at the European Parliament and of the decision assigning the post to another candidate,

THE COURT (Second Chamber)

composed of: K. Bahlmann, President of Chamber, P. Pescatore and O. Due, Judges,

Advocate General: C. O. Lenz

Registrar: H. A. Rühl, Principal Administrator

gives the following