

**Action brought on 27 April 2005 by Martine Heus against the Commission of the European Communities**

(Case T-173/05)

(2005/C 182/72)

(Language of the case: French)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 27 April 2005 by Martine Heus, Anderlecht (Belgium), represented by Lucas Vogel, lawyer.

The applicant claims that the Court should:

1. annul the decision adopted by the appointing authority on 7 January 2005 rejecting the complaint lodged by the applicant on 18 October 2004 against the decision of 19 July 2004 adopted by the chairman of the selection board in competition COM/PC/04 refusing to admit the applicant to that competition;
2. annul, to the extent necessary, the decision adopted on 19 July 2004 by the chairman of the selection board in competition COM/PC/04;
3. order the defendant to pay the costs.

*Pleas in law and main arguments*

The applicant was refused admission to competition COM/PC/04 on the ground that she did not fulfil the requirement of five years' seniority within the Commission or another institution, as the periods of professional activity she had spent in the Commission on a temporary basis were not taken into account by the selection board in the competition.

In support of her application the applicant relies on pleas of breach of Articles 27 and 29(1) of the Staff Regulations and a manifest error of assessment in so far as the contested decisions and the notice of competition, or in any event the interpretation given to them by the appointing authority, resulted in the rejection of the applicant for reasons relating solely to her former administrative status (as member of the contract staff rather than a member of staff covered by the Conditions of Employment).

The applicant also relies on a plea of breach of the principle of non-discrimination, in so far as the criteria at issue allowed other candidates to be admitted to the competition although they were less competent or had less professional experience within the Commission.

**Action brought on 28 April 2005 by Pia Landgren against the European Training Foundation**

(Case T-180/05)

(2005/C 182/73)

(Language of the case: French)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 28 April 2005 by Pia Landgren, Turin (Italy), represented by Marc-Albert Lucas, lawyer.

The applicant claims that the Court should:

1. annul the decision of 25 June 2004 of the former Director of the Foundation dismissing the applicant;
2. annul, if necessary, the decision of 19 January 2005 of the Director of Training rejecting the complaint made by the applicant on 27 September against the first decision;
3. order the Foundation to pay, in compensation for the material damage caused to her by the unlawfulness of the contested decisions, a sum equivalent to the salary and pension she would have received if she had been able to continue her career at the Foundation until the age of 65, reduced by the amount of the allowances for dismissal and unemployment and the pension she has received or will receive because of her dismissal;
4. order the Foundation to pay the applicant a sum at the Court's discretion to make good the non-material damage caused to her by the unlawfulness of the contested decision;
5. order the defendant to pay the costs.

*Pleas in law and main arguments*

According to the applicant, the Foundation has not established that the decision to dismiss the applicant is based on a valid ground in law, particularly as that decision is in apparent contradiction with the applicant's staff report for 2003.

The applicant also claims that the real reason for her dismissal is manifestly unlawful and contrary to the interest of the service because it is based on a prior agreement that she would leave the Foundation after 31 December 2003.

Moreover, the applicant submits that the ground for the contested decision is unlawful and arbitrary if the refusal of the Head of Department to retain her is based on adverse assessments made of her in the past.

Finally, the applicant raises pleas of failure to state reasons, breach of the duty to have regard for the welfare of officials and of the right to be heard and manifest errors of assessment, if the refusal of the Head of Department and/or the dismissal are based on professional failings within the EECA department or generally.

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**Action brought on 4 May 2005 by Dypna Mc Sweeney and Pauline Armstrong against the Commission of the European Communities**

(Case T-184/05)

(2005/C 182/74)

(Language of the case: French)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 4 May 2005 by Dypna Mc Sweeney, residing in Brussels, and Pauline Armstrong, residing in Overijse (Belgium), represented by Sébastien Orlandi, Xavier Martin, Albert Coolen, Jean Noël Louis and Etienne Marchal, lawyers, with an address for service in Luxembourg.

The applicants claim that the Court should:

1. annul the decisions of 6 and 7 September 2004 refusing to admit the applicants to the EPSO/C/11/03 competition tests;
2. order the defendant to pay the costs.

*Pleas in law and main arguments*

The applicants participated in the EPSO/C/11/03 competition organised for the purposes of drawing up a reserve list of English-language secretaries at grade C5/C4. The selection board in that competition decided to exclude them from the tests of that competition, on the ground that their diplomas did not correspond to the level required by the competition notice.

In support of their action, the applicants submit that that decision infringes the competition notice and stems from a manifest error of assessment.

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**Action brought on 2 May 2005 by Joël de Bry against the Commission of the European Communities**

(Case T-188/05)

(2005/C 182/75)

(Language of the case: French)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 2 May 2005 by Joël De Bry, residing in Woluwé-St-Lambert (Belgium), represented by Sébastien Orlandi, Albert Coolen, Jean-Noël Louis and Etienne Marchal, lawyers, with an address for service in Luxembourg.

The applicant claims that the Court should:

1. annul the Commission's decision drawing up the applicant's career development report for 2003.
2. order the defendant to pay a symbolic Euro to be increased pending proceedings together with costs.

*Pleas in law and main arguments*

In support of his action, the applicant alleges, first, an objective conflict of interests on the part of his appraiser who is on the same grade.

Furthermore, he claims that errors were made in assessing his merits and argues that there were inconsistencies between the comments and the marks which he was attributed.

Finally, the applicant alleges infringement of the general provisions implementing Article 43 of the Staff Regulations and the aims and objectives sought by the establishment of a new system focused on career development, as well as breach of the obligation to state reasons, the rights of the defence, and Article 26 of the Staff Regulations.

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**Action brought on 4 May 2005 by Usinor against the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)**

(Case T-189/05)

(2005/C 182/76)

(Language of the case: French)

An action against the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) was brought before the Court of First Instance of the European Communities on 4 May 2005 by Usinor, whose registered office is in Paris, represented by Patrice de Condé, lawyer.