

Other party to the proceedings: Commission of the European Communities (represented by: J. Currall and D. Martin, agents)

## Re:

Appeal against the judgment of the Court of First Instance (Second Chamber) of 14 November 2006 in Case T-494/04 *Neirinck v Commission* dismissing the application of the appellant seeking (i) annulment of the Commission's decisions rejecting her candidature for the post of lawyer in the Buildings Policy sector of the Office for Infrastructure and Logistics in Brussels (OIB) and appointing another applicant to that post and (ii) award of damages — Concept of interest in bringing proceedings — Obligation to state reasons — Distortion of the clear sense of the evidence — Misuse of powers — Interests of the service, principle of the administration's duty to have regard for the interests of officials and principle of proper administration.

## Operative part of the judgment

The Court:

1. annuls the judgment of the Court of First Instance (Second Chamber) of 14 November 2006 in Case T-494/04 *Neirinck v Commission* in so far as the Court dismissed the plea in law alleging that an infringement of the obligation to state reasons vitiated the decision of the Commission of the European Communities of 27 April 2004 informing Mrs Neirinck that she had failed the oral examination within the recruitment procedure for the post of lawyer in the Buildings Policy sector of the Office for Infrastructure and Logistics in Brussels, as a member of contract staff;
2. dismisses the appeal for the remainder;
3. annuls the decision of the Commission of the European Communities of 27 April 2004 informing Mrs Neirinck that she had failed the oral examination within the recruitment procedure for the post of lawyer in the Buildings Policy sector of the Office for Infrastructure and Logistics in Brussels, as a member of contract staff;
4. dismisses the action for the remainder;
5. orders the Commission of the European Communities to pay, in addition to its own costs, the entire costs of Mrs Neirinck before the Court of Justice of the European Communities and before the Court of First Instance of the European Communities.

(<sup>1</sup>) OJ C 95, 28.4.2007.

## Judgment of the Court (Second Chamber) of 6 March 2008 (reference for a preliminary ruling from the Tribunal Supremo (Spain)) — *Comisión del Mercado de las Telecomunicaciones v Administración del Estado*

(Case C-82/07) (<sup>1</sup>)

*(Electronic communications — Networks and services — Articles 3(2) and 10(1) of Directive 2002/21/EC (Framework Directive) — National numbering plans — Specific regulatory authority)*

(2008/C 107/10)

Language of the case: Spanish

## Referring court

Tribunal Supremo (Spain)

## Parties to the main proceedings

Applicant: Comisión del Mercado de las Telecomunicaciones

Defendant: Administración del Estado

## Re:

Interpretation of Articles 3(1), (2) and (4) and 10(1) of Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services ('Framework Directive') (OJ 2000 L 108, p. 33) — Allocation of national numbering resources and management of national numbering plans — Regulatory and operational tasks entrusted to a specific authority

## Operative part of the judgment

1. Articles 3(2), 3(4) and 10(1) of Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive), read in conjunction with Recital (11) in the preamble to that directive, must be interpreted as meaning that the assignment of the national numbering resources and the management of the national numbering plans must be regarded as regulatory functions. Member States are not required to allocate those different functions to separate regulatory authorities.
2. Article 10(1) and Article 3(2), (4) and (6) of Directive 2002/21 must be interpreted as not precluding the functions of assigning national numbering resources or of managing national numbering plans from being shared by a number of independent regulatory authorities, provided that the allocation of the tasks is made public and easily accessible, and notified to the Commission of the European Communities.

(<sup>1</sup>) OJ C 82, 14.4.2007.