

Pleas in law and main arguments

The applicant participated in the EPSO/AD/28/05 competition. The competition selection board refused to include the applicant in the reserve list for that competition by decision of 12 February 2007, which the applicant seeks to have annulled.

In support of her action, the applicant raises four pleas in law:

The first plea alleges, principally, a manifest error of appraisal either alone or in conjunction with a failure to state reasons and/or breach of the principle *patere legem quam ipse fecisti*. The selection board, whose position in that regard is ambiguous, took the view that the applicant gave 'sufficient' answers which nevertheless had weak points. That was manifestly not the case, particularly as the applicant answered in accordance with the Commission rules.

The second plea alleges, also principally, breach of the notice of competition and of the principle of equality either alone or in conjunction with compliance with the principle of reasonableness.

The third plea, also principally, alleges breach of the duty to state reasons in that the applicant clearly asked the selection board why an answer which she gave in the oral test was considered incorrect or at least insufficient. The applicant has not received any response despite the duty to state reasons.

Finally and in the alternative, the applicant alleges a manifest error of appraisal either alone or in conjunction with the principle of equality and the principle of proportionality. The mark awarded was, in addition, disproportionate in relation to the results (she was given the mark of 25/50) and is in breach of the principle of equality since the applicant was treated like any other candidate who gave answers considered sufficient, not only with regard to knowledge but also with regard to other criteria.

Order of the Civil Service Tribunal of 5 December 2007 — Moschonaki v European Foundation for the Improvement of Living and Working Conditions (EUROFOUND)

(Case F-3/07) ⁽¹⁾

(2008/C 22/112)

Language of the case: French

The President of the First Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 56, 10.3.2007, p. 43.

Order of the Civil Service Tribunal of 28 November 2007 — Karatzoglou v European Agency for Reconstruction (EAR)

(Case F-71/07) ⁽¹⁾

(2008/C 22/113)

Language of the case: English

The President of the First Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 269, 10.11.2007, p. 70.