

- the selection board did not invite the appellant to give an explanation for the facts on the basis of which his candidature was rejected, that is to say, the sending of two emails to the selection board;
- the need, of its own motion, to check for any other breach of the applicable rules of law which the CST may have committed.

Appeal brought on 12 January 2009 by Georgi Kerelov against the order of the Civil Service Tribunal delivered on 12 December 2007 in Case F-110/07 Kerelov v Commission

(Case T-100/08 P)

(2009/C 69/92)

Language of the case: French

Parties

Appellant: Georgi Kerelov (Pazardzhik, Bulgaria) (represented by A. Kerelov, lawyer)

Other party to the proceedings: Commission of the European Communities

Form of order sought by the appellant

- Set aside the order of the Civil Service Tribunal of the European Union of 12 December 2007 in Case F-110/07 *Kerelov v Commission*;
- Grant the applicant the form of order sought at first instance;
- Order the defendant to pay the costs in their entirety.

Pleas in law and main arguments

By the present appeal, the applicant is seeking annulment of the order of the Civil Service Tribunal of 12 December 2007 in Case F-110/07 *Kerelov v Commission* dismissing as manifestly inadmissible the action by which the applicant sought annulment of the decision of the director of the European Personnel Selection Office (EPSO) not to transmit to the applicant information and documents relating to competition EPSO/AD/46/06.

In support of his appeal, the applicant relies on several pleas in law alleging or for:

- infringement of the principle of administrative procedure inasmuch as the Tribunal considered that the initiating application did not put forward any pleas in law without ascertaining of its own motion whether the decision contested at first instance was unlawful, without limiting itself to the complaints put forward by the applicant;

- infringement of the right of due process and of the principle of the impartiality of the Tribunal, inasmuch as the Tribunal dismissed the applicant's action as manifestly inadmissible without permitting him to correct his application at a point in time when the applicant could no longer bring a new action in accordance with the rules, since the time-limit for bringing actions had expired;
- infringement of the principles of the right to be heard by a court and of the public nature of the proceedings, inasmuch as no hearing took place;
- infringement of the principle of procedural fairness inasmuch as the Tribunal did not hear the applicant on the issue of the inadmissibility of his action;
- infringement of the first paragraph of Article 21 of the Statute of the Court of Justice and Article 44(1)(c) of the Rules of Procedure of the Court of First Instance inasmuch as the Tribunal has, in reality, introduced a 'crystallisation of the contentious debate' rule by considering that the application contained no pleas in law;
- verification, of the Court's own motion, of whether the Tribunal committed any other infringements of the applicable rules of law.

Appeal brought on 29 October 2008 by Radu Duta against the judgment of the Civil Service Tribunal delivered on 4 September 2008 in Case F-103/07 Duta v Court of Justice

(Case T-475/08 P)

(2009/C 69/93)

Language of the case: French

Parties

Appellant: Radu Duta (Luxembourg, Luxembourg) (represented by F. Krieg, lawyer)

Other party to the proceedings: Court of Justice of the European Communities

Form of order sought by the appellant

- Admit the present appeal;
- declare it well founded;
- accordingly, by amendment of the judgment of the European Union Civil Service Tribunal of 4 September 2008, declare the appellant's appeal admissible and well founded;
- accordingly, on the basis of the claims set out above, annul the contested decisions;