



C/2024/4314

15.7.2024

Action brought on 28 May 2024 – Kingdom of Spain v European Parliament

(Case C-377/24)

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Language of the case: Spanish

Parties

Applicant: Kingdom of Spain (represented by: A. Gavela Llopis and L. Aguilera Ruiz, acting as Agents)

Defendant: European Parliament

Form of order sought

The applicant claims that the Court should:

- annul Decision C (2024) 1640 of 4 March 2024 of the European Parliament announcing an open competition to draw up a list of 30 candidates of Austrian nationality to recruit an administrator for the European Parliament's Secretariat;
- annul the list of suitable candidates which, as a result of the contested competition, may be drawn up under Section B 'Procedure', Subsection 3, 'List of suitable candidates';
- incidentally, declare the decision of the Bureau of the European Parliament of 21 November 2022 to be invalid pursuant to Article 277 TFEU;
- order the European Parliament to pay the costs.

Pleas in law and main arguments

1. Infringement of Article 9 TEU, Article 18 TFEU and Article 1d of the Staff Regulations. Those provisions enshrine as a general principle of EU law the principle of equal treatment and non-discrimination in access to public employment in the European Union. The contested act breaches that principle by introducing discrimination on grounds of nationality which is not sufficiently justified and is not proportionate.
2. Infringement of Article 27(1) of the Staff Regulations, by reserving the posts to be filled for nationals of a single Member State. The contested act lacks sufficient and appropriate justification. The decision of the Bureau of the European Parliament does not provide such appropriate reasons or point to studies, analyses or data which would make it possible to assess the justification, appropriateness or proportionality of the measure.
3. Breach of the principle of merit for access to public employment, laid down in Article 27 of the Staff Regulations. The balance between the obligation to adopt effective measures to address geographical imbalance and observance of the principle of merit as a criterion for the recruitment of staff to work for the European Union.
4. Incidental challenge, pursuant to Article 277 TFEU, to the decision of the Bureau of the European Parliament of 21 November 2022, on the same legal grounds as those set out above.