



C/2024/4960

19.8.2024

Action brought on 9 July 2024 – Kingdom of Spain v European Parliament

(Case C-479/24)

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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

Forms of order sought

The applicant claims that the Court should:

- annul Decision C/2024/2526 of 15 April 2024 of the European Parliament to organise an open competition to draw up a list of 10 candidates of Luxembourgish nationality with a view to selecting an administrator for the Secretariat of the European Parliament;
- annul any list of suitable candidates that might be drawn up, as a result of the contested competition, in accordance with section B, 'Procedure', paragraph 3, 'List of suitable candidates';
- as an ancillary matter, 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 of Officials of the European Union ('Staff Regulations'). Those provisions lay down the general principles of EU law of equality and non-discrimination in access to employment in the EU civil service, which are infringed in the contested measure since it discriminates on grounds of nationality and that discrimination 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 by means of the competition for nationals of a single Member State, Luxembourg. The contested measure lacks sufficient or adequate justification. The Decision of the Bureau of the European Parliament fails to provide an adequate statement of any such reasons and cites no studies, analyses or data making it possible to assess whether the measure is justified, appropriate or proportionate.
3. Infringement of the principle of merit as a criterion for access to the EU civil service, laid down in Article 27 of the Staff Regulations, and failure to observe the balance to be struck between the obligation to adopt effective measures to address a geographical imbalance and observance for the principle of merit as a criterion for the selection of staff working for the European Union.
4. As an ancillary matter, and pursuant to Article 277 TFEU, the Decision of the Bureau of the European Parliament of 21 November 2022 is challenged on the same legal grounds as set out above.