

JUDGMENT OF THE COURT OF FIRST INSTANCE
of 17 December 1997

in Case T-217/95: Lucia Passera v. Commission of the
European Communities ⁽¹⁾

*(Officials — Internal competition for advancement from
category C to category B — Decision of the selection
board failing candidates at the oral test — Scope of the
obligation to state reasons — Assessment by the selection
board)*

(98/C 41/38)

(Language of the case: French)

In Case T-217/95: Lucia Passera, an official of the Commission of the European Communities, residing at Overijse (Belgium), represented by Marc-Albert Lucas, of the Liège Bar, with an address for service in Luxembourg at the Chambers of Evelyne Korn, 21 Rue de Nassau, v. Commission of the European Communities (Agents: Gianluigi Valsesia and Ana Maria Alves Vieira) — application, first, for annulment of the decision of the selection board in internal competition COM/B/9/93 not to enter the applicant's name on the list of suitable candidates and, second, for annulment of the notice of that competition — the Court of First Instance (Fourth Chamber), composed of: K. Lenaerts, President, and P. Lindh and J. D. Cooke, Judges; A. Mair, Administrator, for the Registrar, has given a judgment on 17 December 1997, in which it:

1. *dismisses the action;*
2. *orders the parties to bear their own costs.*

⁽¹⁾ OJ C 16, 20.1.1996.

JUDGMENT OF THE COURT OF FIRST INSTANCE
(Fourth Chamber)

of 17 December 1997

in Case T-225/95 Fotini Chiou v. Commission of the
European Communities ⁽¹⁾

*(Officials — Internal competition for movement of
officials from Category C to Category B — Decision of
the selection board noting the failure of candidates in the
oral test — Consistency between the complaint and the
application — Principle of equal treatment for men and
women — Principle of non-discrimination — Assessment
of the selection board)*

(98/C 41/39)

(Language of the case: French)

In Case T-225/95: Fotini Chiou, official of the Commission of the European Communities, residing in Brussels, represented by Lucas Vogel, of the Brussels Bar, with an address for service in Luxembourg at the

Chambers of Christian Kramer, 8—10 Rue Mathias Hardt, against the Commission of the European Communities (Agents: Ana Maria Alves Vieira and Fabrizio Minneci and, for the oral procedure, Gianluigi Valsesia) — application for annulment of the decision of the selection board in internal competition COM/B/9/93 to award the applicant a mark in the oral test lower than the minimum required and not to include her in the list of successful candidates — the Court of First Instance (Fourth Chamber), composed of K. Lenaerts, President, and P. Lindh and J. D. Cooke, Judges; A. Mair, Administrator, for the Registrar, has given a judgment on 17 December 1997, the operative part of which is as follows:

1. *The application is dismissed.*
2. *The parties are to bear their own costs.*

⁽¹⁾ OJ C 77, 16.3.1996.

JUDGMENT OF THE COURT OF FIRST INSTANCE
(Third Chamber)

of 18 December 1997

in Case T-12/94: Frédéric Daffix v. Commission of the
European Communities ⁽¹⁾

*(Officials — Removal from post — Appeal — Case
referred back to the Court of First Instance — Truth of
the facts — Burden of proof — Misuse of discretion —
Manifest error of assessment — Rights of the defence —
Article 7 of Annex IX to the Staff Regulations)*

(98/C 41/40)

(Language of the case: French)

In Case T-12/94: Frédéric Daffix, a former official of the Commission of the European Communities, residing in Brussels, represented by Georges Vandersanden and Laure Levi, of the Brussels Bar, with an address for service in Luxembourg at the offices of Fiduciaire Myson SARL, 30 Rue de Cessange v. Commission of the European Communities (Agents: Dimitrios Gouloussis and Benoît Cambier) — application for annulment of the Commission's decision of 18 March 1993 removing the applicant from his post and, if necessary, the implied rejection of his complaint — the Court of First Instance (Third Chamber), composed of B. Vesterdorf, President, C. P. Briët and A. Potocki, Judges; A. Mair, Administrator, for the Registrar, gave a judgment on 18 December 1997, the operative part of which is as follows:

1. *The application is dismissed.*
2. *Each of the parties shall bear all the costs which it has incurred in the proceedings before the Court of First Instance and the Court of Justice.*

⁽¹⁾ OJ C 59, 26.2.1994.