

1. *There is no longer any need to give judgment on the actions for failure to act.*
2. *The Commission's inaction between 1 January 2000 and 25 July 2001 is such as to render the Community liable.*
3. *Within six months of the date of delivery of the present judgment the parties shall inform the Court of the amount of damages which they claim, as agreed with the Commission.*
4. *In the event of failure to agree the amount, the parties shall submit to the Court, within the same period, their calculations of the amount of damages attributable to the Commission's inaction between 1 January 2000 and 25 July 2001.*
5. *The costs are reserved.*

(<sup>1</sup>) OJ C 45 of 10.02.2001.

#### JUDGMENT OF THE COURT OF FIRST INSTANCE

of 25 February 2003

in Case T-4/01, **Renco SpA v Council of the European Union** (<sup>1</sup>)

**(Public works contracts — Directive 93/37/EEC — Tender specification — Statement of reasons for the decision to award the contract — Manifest errors of assessment — Non-contractual liability of the Community)**

(2003/C 112/52)

(Language of the case: French)

In Case T-4/01: Renco SpA, established in Milan (Italy) represented by D. Philippe and F. Apruzzi, lawyers, with an address for service in Luxembourg, against Council of the European Union (Agents: F. van Craeynest, M. Arpio Santacruz and J. Stuyck) — application for damage allegedly suffered by the applicant following the decision of the Council not to award it the contract for invitation to tender No 107865 issued on 30 July 1999 (OJ S 146) for refitting and general maintenance of the Council's buildings — the Court of First Instance (Fifth Chamber), composed of J.D. Cooke, President, and R. García-Valdecasas and P. Lindh Judges; D. Christensen, Administrator, for the Registrar, has given a judgment on 25 February 2003, in which it:

1. *Dismisses the application;*
2. *Orders the applicant to bear its own costs and the costs of the Council.*

(<sup>1</sup>) OJ C 79 of 10.3.01.

#### JUDGMENT OF THE COURT OF FIRST INSTANCE

of 5 March 2003

in Case T-24/01: **Claire Staelen v European Parliament** (<sup>1</sup>)

**(Officials — Open competition — Eliminating tests — Power of the selection board to change the minimum number of points required in the Notice of Competition — Tests of a comparative nature — Admissibility)**

(2003/C 112/53)

(Language of the case: French)

In Case T-24/01: Claire Staelen, a member of the temporary staff of the European Parliament, residing in Bridel (Luxembourg) represented by J. Chocroun, lawyer, against the European Parliament (Agents: J. F. de Wachter and D. Moore) — application, principally, for the annulment of the decision of the selection board in Competition EUR/A/151/98 refusing to allow the applicant to take part in the tests subsequent to Test VII.A.(d) of that competition and, in the alternative, a claim for compensation for the non-material damage allegedly suffered, — the Court of First Instance (Fourth Chamber), composed of: M. Vilaras, President, and V. Tiili and P. Mengozzi, Judges; J. Palacio González, Principal Administrator, for the Registrar, has given a judgment on 26 February 2003, in which it:

1. *Annuls the decision of the selection board in Competition EUR/A/151/98 refusing to allow the applicant to take part in the tests subsequent to Test VII.A.(d) of that competition;*
2. *Orders the Parliament to bear its own costs and to pay the applicant's costs, including those relating to the application for interim measures.*

(<sup>1</sup>) OJ C 95 of 24.3.01.