

In support of her application, she relies inter alia on the following pleas:

- failure to have regard to the purpose of optional observations in so far as the fact that she was being 'encouraged to resume tasks of coordination and distribution of work in the Pool' is in no way a justification of the assessment of 'very good' under the headings concerned;
- inconsistency in the marks;
- failure to have regard to the observations of the Reports Committee;
- that she was the victim of harassment at her workplace;
- that she had amply and undeniably demonstrated a capacity for mobility and versatility. It would therefore be in keeping with the Staff Regulations for that merit to be specifically referred to in the staff report at issue.

Action brought on 8 August 2003 by Paul Ceuninck against Commission of the European Communities

(Case T-282/03)

(2003/C 251/32)

(Language of the case: French)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 8 August 2003 by Paul Ceuninck, residing in Hertsberge (Belgium), represented by G. Vandersanden and A. Finchelstein, lawyers.

The applicant claims that the Court should:

- annul the entire selection procedure following notice of vacant post COM/051/02 and annul that notice;
- annul the decision to appoint another person taken by the appointing authority on 13 September 2002 and also, consequently, the decision rejecting the applicant's candidature for that post;
- order the Commission to pay the costs.

Pleas in law and main arguments

The applicant submitted his candidature for a vacant post as counsellor at the European Anti-Fraud Office. The applicant's candidature for the post was rejected.

In support of his action, the application claims that there has been a breach of Article 7(1) of the Staff Regulations, an abuse of power and of procedure, a manifest error of assessment, a breach of essential procedural requirements in drawing up the vacancy notice, a breach of the principle of institutional impartiality and of the principle that an institution must have regard to the welfare of its officials, a breach of Part 1, Point 2 of the Commission's Decision of 21 December 2000, a breach of the rights of the defence, in particular the right to be heard, of the principle of equality of arms, of the principle of equality, of the principle that an institution must have regard to the welfare of its officials, of the principle that officials should have reasonable career prospects and of the principle that a decision must contain a statement of reasons. Last, the applicant claims that the Director General of OLAF was not competent to make a determination in respect of the complaint and to reject it.

Action brought on 5 August 2003 by Rosalinda Aycinena against Commission of the European Communities

(Case T-284/03)

(2003/C 251/33)

(Language of the case: French)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 5 August 2003 by Rosalinda Aycinena, residing in Brussels, represented by Sébastien Orlandi, Albert Coolen, Jean-Noël Louis and Etienne Marchal, lawyers.

The applicant claims that the Court should:

- annul the decision of 26 March 2003 revising the applicant's classification on recruitment classifying her at the first step of Grade LA 6;
- order the defendant to pay the costs.

Pleas in law and main arguments

In support of her claims, the applicant alleges breach of the obligation to provide reasons for decisions, manifest error of assessment, breach of the principle that officials should have reasonable career prospects (Article 5(3) of the Staff