

In support of his claims, the applicant alleges, first, infringement of Articles 4, 27, 29, 30 and 31 of and Annex III to the Staff Regulations, disregard for the interests of the service, breach of the competition notice and of the duty to have regard for the welfare of officials and infringement of Article 1 of Decision 2002/621/EC of the Secretaries General of the Community Institutions inasmuch as two of the successful candidates whose names appear on the reserve list and who are officials are already in Grade A7/A6 and thus occupy posts as economists in that career bracket.

He further alleges:

- breach of the principle of non-discrimination, in particular inasmuch as the selection board did not apply assessment criteria consistently, so that the applicant did not have the same conditions applied to him as were applied to the other candidates;
- manifest error of assessment in the present case;
- disregard for the principle of sound administration and infringement of Article 30 of the Staff Regulations and Article 3 of the Annex thereto, inasmuch as the board were not qualified to assess the tests objectively.

The applicant also alleges irregularity in the conduct of the procedure, misuse of powers and lack of powers and breach of the principle of non-retrospectivity.

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**Action brought on 15 March 2004 by Carlos Martinez-Mongay against Commission of the European Communities**

**(Case T-101/04)**

(2004/C 106/164)

*(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 15 March 2004 by Carlos Martinez-Mongay, 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 contested decision in so far as it sets the classification on recruitment of the applicant at the second step in Grade 6 and reviews and sets at 1 April 2000 his classification in Grade A5, step 3 and in so far as it limits its pecuniary effects to 5 October 1995;

- order the defendant to pay the costs.

*Pleas in law and main arguments*

The pleas in law and main arguments are similar to those relied upon in Case T-402/03 *Katalagarianakis v Commission* (OJ 2004 C 35, p. 17).

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**Action brought on 8 March 2004 by David Cornwell against the Commission of the European Communities**

**(Case T-102/04)**

(2004/C 106/165)

*(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 March 2004 by David Cornwell, residing in Kraainem (Belgium), represented by Sébastien Orlandi, Albert Coolen, Jean-Noël Louis and Etienne Marchal, avocats, with an address for service in Luxembourg.

The applicant claims that the Court should:

- Annul the contested decision in so far as it revises and fixes his classification at Grade A4, step 4, on 1 August 2000 and at Grade A4, step 5, on 16 March 2003, and in so far as the financial effects of that decision are limited to the date of 5 October 1995;
- Order the defendant to pay the costs of the proceedings.

*Pleas in law and main arguments:*

The applicant is challenging the decision of 14 April 2003 by the appointing authority revising and fixing his recruitment classification at Grade A5, step 3, on 1 May 1992, revising and fixing his subsequent classification at Grade A4, step 4, on 1 August 2000, and at Grade A4, step 5, on 16 March 2003, and limiting the financial effects thereof to 5 October 1995.

The pleas in law and arguments submitted are similar to those in Case T-402/03 *Katalagarianakis v Commission* (OJ 2004 C 35, p. 17).

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