

**Action brought on 18 February 2005 by Dario Scotto
against the Commission of the European Communities**

(Case T-76/05)

(2005/C 93/72)

(Language of the case: Italian)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 18 February 2005 by Dario Scotto, represented by Prof. Massimo Condinanzi, lawyer.

The applicant claims that the Court should:

- annul the decision of the Commission of 27 October 2004 which rejected complaint No R/616/04 lodged by the applicant of 12 July 2004 and accordingly annul Career Development Review No 23330;
- order the Commission to pay the costs of the case.

Pleas in law and main arguments

The applicant in this case challenges the assessment relating to his Career Development Review (CDR) for the period 1 January 2003 to 31 August 2003.

In support of his claims, the applicant pleads:

- Infringement of Article 43 of the Staff Regulations and the relevant implementing provisions.
- Infringement of the procedure for drawing up the CDR on account of incomplete assessment of the reference period.
- The existence of manifest errors of fact in evaluating the applicant's activities with regard to the individual objectives assigned to him.

**Action brought on 19 February 2005 by Andrea Balduini
against the Commission of the European Communities**

(Case T-77/05)

(2005/C 93/73)

(Language of the case: Italian)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 19 February 2005 by Andrea Balduini, represented by Gabriele Balduini, lawyer.

The applicant claims that the Court should:

1. annul Decision ADMIN. B.2-PC/amd-D (2004)27617 of the appointing authority of 12 November 2004, notified by registered letter with advice of receipt dated 15 November 2004, received on 22 November 2004, and disregard questions 11 and 36 of Test A (specialised knowledge of the field) in competition EPSO/A/11/03, or only one of those questions;
2. accordingly, annul the decision of the selection board for competition EPSO/A/11/03, of which the applicant was informed by communication EPSO/5000LM-EN of 14 May 2004, and determine and declare that the applicant has obtained one of the 450 best marks and, therefore, admit him to the next stages of competition EPSO/A/11/03;
3. in any event, order the Commission to pay the costs.

Pleas in law and main arguments:

The applicant in this case participated in open competition EPSO/A/11/03, which provided, in the first stage, for three preselection tests to be held.

By communication of 14 May 2004, the selection board informed the applicant that the overall mark he had obtained in the preselection tests, 44.726 points, was not sufficient for him to be included among the 450 highest-scoring candidates and therefore he had not been admitted to the next stage.

By a subsequent communication, the selection board explained to all the candidates that the marks in the preselection tests had been determined after the selection board had disregarded five questions in those tests (question 17 in Test A, questions 4 and 20 in Test B and questions 45 and 52 in Test C).