

The requests to the selection board for amendment, and to EPSO for reconsideration, were rejected. According to those two requests, another two questions in Test A (questions 11 and 36) should be disregarded, inasmuch as they were completely incorrect, illogical and incomprehensible, so that the applicant would become one of the 450 best candidates and be admitted to the next stage. Both requests were rejected.

In support of his claims, the applicant pleads infringement of the principle of equal treatment laid down in Article 5(3) of the Staff Regulations.

Action brought on 17 February 2005 by the Italian Republic against the Commission of the European Communities

(Case T-82/05)

(2005/C 93/74)

(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 17 February 2005 by the Italian Republic, represented by Antonio Cingolo, Avvocato dello Stato.

The applicant claims that the Court should:

- annul the memorandum of 8 December 2004, D(2004) 12075 concerning: payments by the Commission differing from the sum requested in respect of Programme P.E.P. Campania, request for payment number 2004 2245, in so far as the European Commission – Directorate-General for Regional Policy – intervention in Cyprus, Greece, Italy, Malta, Hungary and the Netherlands, has communicated the following decision: ‘as stated in letter No 0037474 of 25 November of the Ministry of the Economy, the sum of EUR 1 994 835 has not been accepted as valid in relation to measure 4.2, so far as it relates to advances on schemes of aid granted after 19 February 2003 or the notice of which was closed after that date, which have not been used by the final recipient in order to pay actual expenses’;
- annul all connected and contingent acts;
- order the Commission to pay the costs.

Pleas in law and main arguments

The pleas in law and main arguments are those put forward in Case T-345/04 *Italian Republic v Commission* ⁽¹⁾.

⁽¹⁾ OJEU C 262 of 23 October 2004, p. 55.