

EUROPEAN UNION CIVIL SERVICE TRIBUNAL

Action brought on 26 October 2006 — Dálnoky v Commission

(Case F-120/06)

(2006/C 310/66)

*Language of the case: English***Parties***Applicant:* Noémi Dálnoky (Brussels, Belgium) (represented by: P. Horváth, lawyer)*Defendant:* Commission of the European Communities**Form of order sought**

The applicant claims that the Tribunal should:

- annul Notice of Open Competition EPSO/AD/47/06 ⁽¹⁾ published by the European Personnel Selection Office (EPSO) for the recruitment of administrators with — inter alia — Romanian citizenship;
- order the defendant not to publish in future any competition, and not to conduct any published competition with the requirement to have a thorough knowledge of just one specified Community language, but with the requirement to have a thorough knowledge on any of the Community languages, unless a particular language is required in view of the specific nature of the posts to be filled;
- if the abovementioned open competition was partially or fully conducted prior to its annulment by the Tribunal, order the defendant to eliminate any disadvantage suffered by the applicant or other persons due to the discriminatory provision applied in the competition, including the provision of another possibility to apply for the posts that were to be filled by Competition EPSO/AD/47/06 for those citizens who might have been discouraged from applying due to the abovementioned discriminatory provision;
- order the defendant to pay the costs.

Pleas in law and main arguments

The applicant, a Romanian citizen of Hungarian ethnicity and mother tongue, claims that the Notice of Open Competition EPSO/AD/47/06 is, by requiring that applicants must have a thorough knowledge of Romanian language, in breach of EC law on several points:

- it violates the applicant's rights to equal treatment and non-discrimination on the basis of ethnic origin, since Roma-

nian citizens on Romanian mother tongue are in an unfair advantage;

- it constitutes a discrimination on the grounds of nationality which is forbidden by the Staff Regulations and Article 12 EC, insofar as, in earlier competitions, candidates were allowed to prove a thorough knowledge of a Community language which was not the most widely spoken language in their Member State;
- it poses a requirement that is not permitted by the Staff Regulations, which only allows requiring the thorough knowledge of a particular Community language, as opposed to any one of them, if there is a specific job-related need or this is justified by some other objective and legitimate policy.

⁽¹⁾ OJ C 145 A, 21.6.2006

Action brought on 23 October 2006 — Roodhuijzen v Commission

(Case F-122/06)

(2006/C 310/67)

*Language of the case: French***Parties***Applicant:* Anton Pieter Roodhuijzen (Luxembourg, Luxembourg) (represented by: E. Boigelot, lawyer)*Defendant:* Commission of the European Communities**Form of order sought**

- annul the decision of the Appointing Authority of 28 February 2006, confirmed on 20 March 2006, not to recognise the applicant's partnership with Ms H as a non-marital partnership for the purposes of the sickness insurance scheme;
- annul the decision of the Appointing Authority of 12 July 2006 rejecting the complaint brought by the applicant on 27 March 2006 under Number R/230/06;
- order the defendant to pay the costs.