

### Pleas in law and main arguments

The applicant, who started working as a 'temporary agent' for the EPP-ED Group on 3 October 2005, is challenging the rejection of his application for payment of the expatriation allowance. He claims that he submitted all the documents and information necessary for claiming the allowance and that he satisfies all the criteria.

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### Action brought on 12 January 2007 — Matos Martins v Commission

(Case F-2/07)

(2007/C 56/81)

*Language of the case: French*

#### Parties

*Applicant:* José Carlos Matos Martins (Brussels, Belgium) (represented by: M.-A Lucas, lawyer)

*Defendant:* Commission of the European Communities

#### Form of order sought

- annul the decision of 27 February 2006 of the European Personnel Selection Office (EPSO) laying down the applicant's results in the pre-selection tests for contract agents EU 25;
- annul the decision of EPSO and/or of the Selection Committee not to register the applicant in the data base of candidates who had passed the pre-selection tests;
- annul the consequences of the selection procedure;
- order the defendant to pay the costs.

### Pleas in law and main arguments

In support of his action, the applicant raises two pleas.

Under the first part of his first plea, the applicant asserts that the level of difficulty and the cut-off mark to be attained in the pre-selection tests, and in particular the level of difficulty of the numerical test for Function Group IV candidates was set on the basis of the number of candidates, so as to result in a predetermined number of successful candidates, whilst it is claimed that they should have been laid down solely in the light of the demands of the duties of the posts to be filled.

Under the second part of that plea, the applicant asserts that the content of the pre-selection tests was laid down for each function group on the basis of a random choice from a set of questions of different levels whilst the content of the tests should have been the same for all the candidates of the same function

group, or at the very least should have been laid down by a random choice from a set of questions of the same level.

The second plea is based on breach of the duty of transparency, of the duty to provide reasons for decisions adversely affecting individuals, of the rule of public access to Commission documents and of the principle of the protection of legitimate expectations. The applicant asserts that he was not sent the questions which he had been asked and that the reasons put forward by EPSO to justify that denial of information were clearly factually inaccurate and legally inadmissible. In particular, it is claimed, first, that Annex III to the Staff Regulations providing that the work of the section board is secret is not applicable in the present case and, secondly, that the communication of the questions became essential in the light of the doubts and reservations that EPSO itself and the Joint Selection Committee expressed as to the validity of the tests.

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### Action brought on 18 January 2007 — Moschonaki v EUROFOUND

(Case F-3/07)

(2007/C 56/82)

*Language of the case: French*

#### Parties

*Applicant:* Chrysanthe Moschonaki (Ballybrack, Ireland) (represented by: S. Orlandi, A. Coolen, J.-N Louis and E. Marchal, lawyers)

*Defendant:* European Foundation for the Improvement of Living and Working Conditions (EUROFOUND)

#### Form of order sought

- annul the decision of the director of EUROFOUND not to authorise the applicant's mission to take part in the meeting of 30 and 31 March 2006 of the Assembly of Agency Staff Committees,
- order the defendant to pay the costs.

### Pleas in law and main arguments

In support of her action, the applicant asserts principally that in refusing her mission application to attend the meeting of 30 and 31 March 2006 of the Assembly of Agency Staff Committees, EUROFOUND infringed Articles 24b and 9(3) of the Staff Regulations and the sixth paragraph of Article 1 of Annex 2 to the Staff Regulations, which lay down freedom of association and trade union representation, the consultation and management role of the Staff Committee and the prohibition on any disadvantages accruing to a member of staff by virtue of carrying out the functions of members of the Staff Committee.