

**Form of order sought**

The applicant claims that the Court should:

- annul the list of promoted officials adopted by Administrative Notice No 32-2019/14.11.2019 of 14 November 2019 inasmuch as it does not include the name of the applicant;
- order the defendant to pay the costs.

**Pleas in law and main arguments**

In support of the action, the applicant relies on a single plea in law, raising a plea of illegality in respect of the General Implementing Provisions (the GIPs) for Article 45 of the Staff Regulations of Officials of the European Union (the Staff Regulations). The applicant contests the interpretation given by the Commission, which considers that Article 40(3) of the Staff Regulations means that an official who is on leave on personal grounds on the date when the promotion decision is adopted by the appointing authority is not eligible for the promotion exercise concluded thereby. On the contrary, the applicant puts forward a teleological and systematic interpretation of Article 40(3) of the Staff Regulations and submits that the Commission, by its interpretation, infringes the right to promotion under Article 45 of the Staff Regulations. In his view, the Commission also infringes the principle of legal certainty, the principle that the statutory provisions of which those GIPs form part should be consistent, and the principle of equal treatment in terms of career development under Article 5(5) of the Staff Regulations. Lastly, he complains that the consequences of implementing the GIPs are illogical and disproportionate.

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**Action brought on 16 July 2020 — Garment Manufacturers Association in Cambodia v Commission**

(Case T-454/20)

(2020/C 287/62)

*Language of the case: English*

**Parties**

*Applicant:* Garment Manufacturers Association in Cambodia (Phnom Penh, Cambodia) (represented by: C. Ziegler and S. Monti, lawyers)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- annul the Commission's Delegated Regulation (EU) 2020/550 of 12 February 2020 amending Annexes II and IV to Regulation (EU) No 978/2012 of the European Parliament and of the Council as regards the temporary withdrawal of the arrangements referred to in Article 1(2) of Regulation (EU) No 978/2012 in respect of certain products originating in the Kingdom of Cambodia in part, namely with regard to the temporary withdrawal of the GSP preferences for all customs codes that are affecting GMAC members, i.e. the HS codes mentioned in the table in Article 1 subparagraph 1 and all customs HS codes mentioned in the table in Article 1 subparagraph 2, except for HS code 1212 93;
- order the Commission to bear its own costs and pay those incurred by the applicant.

**Pleas in law and main arguments**

In support of the action, the applicant relies on two pleas in law.

1. First plea in law, alleging that the Contested Regulation violates the principle of proportionality and the requirement of consistency between the Union's policies and activities. The Commission allegedly failed to properly assess the proportionality of the partial temporary withdrawal of customs preferences for the Cambodian garments, footwear and travel goods sectors.

2. Second plea in law, alleging a violation of the applicant's procedural rights due to the Commission's failure to provide adequate reasoning pursuant to Article 296(2) TFEU, corresponding to a violation of the right to good administration.

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**Action brought on 16 July 2020 — LA v Commission**

**(Case T-456/20)**

(2020/C 287/63)

*Language of the case: Italian*

**Parties**

*Applicant:* LA (represented by: M. Velardo, lawyer)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- annul the decision of 20 June 2019 by which the applicant was not included in the list of candidates admitted to the Assessment Centre phase of Competition EPSO/AD/371/19;
- annul the decision of 24 September 2019 rejecting the request for review;
- annul the decision of 6 April 2020 dismissing the administrative appeal brought under Article 90(2) of the Staff Regulations;
- order the Commission to pay the costs.

**Pleas in law and main arguments**

In support of the action, the applicant relies on four pleas in law.

1. First plea in law, alleging a manifest error of assessment.
    - In this regard the applicant claims that the selection board infringed the competition notice (first paragraph of Article 5 of Annex III to the Staff Regulations), in so far as it did not take into account her professional qualities, clearly disregarding the requirements of the competition notice and the functions assigned to the successful candidates.
  2. Second plea in law, alleging failure to observe the principle of equality.
    - In this regard the applicant claims that during the Talent Screener phase the selection board failed to comply with the assessment criteria laid down by the competition notice and thereby failed to ensure equal treatment of candidates.
  3. Third plea in law, alleging infringement of the obligation to state reasons and the related principle of equality of the parties in the proceedings (Article 47 of the Charter of Fundamental Rights).
    - In this regard the applicant claims that there was a significant lack of reasoning for the contested decisions which consequently had repercussions on her rights of defence and on the equality of the parties in the proceedings.
  4. Fourth plea in law, alleging that the competition notice is unlawful under Article 277 TFEU.
    - In this regard the applicant claims that, contrary to Article 1(e) of Annex III to the Staff Regulations, which states that the appointing authority is to establish the nature and type of the exams and how they will be marked, in the present procedure the selection board established the 'weighting factors', whereas this fell within the competence of the appointing authority according to the aforementioned provision.
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