

Form of order sought

The applicant claims that the Court should:

- annul the selection procedure EXT/22/08/AD6/DTD-Business Analyst;
- alternatively, annul the decision of the selection committee of the selection procedure EXT/22/08/AD6/DTD-Business Analyst of 30 June 2022 not to take the applicant's application any further, in its final form after EUIPO's rejection of 16 January 2023 of the applicant's complaint under Article 90(2) of the Staff Regulations of 28 September 2022;
- order EUIPO to pay an adequate compensation in the discretion of the Court to the applicant for the moral and immaterial damages suffered by the applicant as a result of the decision of the selection committee of the selection procedure EXT/22/08/AD6/DTD-Business Analyst contested by Request 1;
- order EUIPO to pay the procedural costs.

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 EUIPO violated its obligation of complying with Article 4(1a), (1d), (1f) and (2), Article 17(3) and Article 33(b) of Regulation (EU) 2018/1725 of the European Parliament and of the Council,⁽¹⁾ Article 5 (1a), (1d), (1f) and (2), Article 15(3) and Article 32(1b) of Regulation (EU) 2016/679 of the European Parliament and of the Council,⁽²⁾ and the vacancy notice.
 - The applicant backs this claim especially by submitting that the EUIPO respectively the selection committee failed to properly assess his suitability for the position by not using the latest versions of the documents provided by him.
2. Second plea in law, alleging that the selection committee committed manifest errors of assessment by not awarding his answers in the talent screener to questions 1 to 5 the maximum achievable score.
 - He backs his claim by outlining and explaining the abilities and experiences he brought forward in the answers to these questions.

⁽¹⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ 2018 L 295, p. 39).

⁽²⁾ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ 2016, L 116, p. 1).

Action brought on 3 May 2023 — LW v Commission**(Case T-232/23)****(2023/C 261/52)***Language of the case: English***Parties**

Applicant: LW (represented by: S. Birenbaum-De Guchteneere and M. Tournay, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the appraisal report for the year 2020;
- in so far as necessary, annul the decision of the appeal assessor dated 13 July 2022 that confirmed the appraisal report for the year 2020 and rejected the appeal of 11 March 2022 (registered under No 507857);
- in so far as necessary, annul the decision of the appointing authority dated 24 January 2023 that rejected the complaint filed by a note dated 7 September 2022 (registered under No. R/422/22);
- order compensation for the non-material damage suffered;
- order the defendant 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 infringement of Article 43 of the Staff Regulations and the breach of Article 2(3) of Commission Decision C(2013) 8985 of 16 December 2013 laying down general provisions for implementing Article 43 of the Staff Regulations and implementing the first paragraph of Article 44 of the Staff Regulations (the ‘GIP’), Article 5, 6 and 7 of the GIP, manifest error of assessment, misuse of power and breach of the principle of good administration.
2. Second plea in law, alleging infringement of Article 296 TFEU, Article 41(2) of the Charter of Fundamental Rights of the EU and Article 25 of the Staff Regulations, breach of the duty to state reasons, manifest error and breach of the principle of good administration.
3. Third plea in law, alleging breach of the principle of proportionality.
4. Fourth plea in law, alleging infringement of Article 21(1) of the Charter of Fundamental Rights of the EU and of Article 1d(1) of the Staff Regulations, and breach of the duty to have regard to the welfare of officials.

Action brought on 15 May 2023 — Acampora and Others v Commission**(Case T-261/23)**

(2023/C 261/53)

*Language of the case: Italian***Parties**

Applicants: Roberto Acampora (Naples, Italy) and 172 others (represented by: E. Iorio, lawyer)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

- annul the express decision of the European Commission of 27 January 2023 (EMPL.C.1/BPM/kt (2023) 633265) refusing the request for access Gestdem No 2023/0263 to the supplementary letter of formal notice of 15 July 2022, issued by the European Commission to the Italian Republic, and to the Italian Republic's subsequent response in infringement proceedings 2016/4081, relating to the compatibility with EU law of the national law governing the services provided by *magistrati onorari* (honorary judges) and to Italy's response;
- annul the implicit decision of the European Commission of 15 March 2023 refusing the request to confirm the explicit decision by communicating that it was not in a position, for administrative reasons, to respond to the request for confirmation or to state if and when an express response would be given;
- order the European Commission, in the event of opposition, to bear the costs of the proceedings.