



Reports of Cases

Judgment of the General Court (Eighth Chamber) of 17 December 2015 —

Italy v Commission

(Case T-295/13)

(Languages — Corrigendum to the notice of open competition for the recruitment of administrators — New competition procedures — Choice of second language from three languages — Regulation No 1 — Article 1d(1), Article 27 and Article 28(f) of the Staff Regulations — Principle of non-discrimination — Proportionality)

1. *Actions for annulment — Action brought against a measure confirming an earlier measure not challenged within the time-limit — Inadmissibility — Concept of confirmatory measure — Corrigendum of a notice of competition with the effect of establishing a new normative framework — Not included (Art. 263 TFEU) (see paras 76-78)*
2. *European Union — Rules on languages — Regulation No 1 — Scope — Relations between the institutions and their staff — Included in the absence of specific regulations (Council Regulation No 1) (see para. 96)*
3. *Officials — Competitions — Holding of an open competition — Languages of communication between the European Personnel Selection Office (EPSO) and the candidates — Restriction — Inadmissibility (Staff Regulations, Annex III, Art. 1(2); Council Regulation No 1, Art. 2) (see paras 100-103)*
4. *Officials — Competitions — Organisation — Conditions for admission and detailed rules — Discretion of the appointing authority — Limits — Compliance with the linguistic regime laid down by Regulation No 1 (Staff Regulations, Art. 2; Council Regulation No 1, Art. 2) (see paras 108-110, 158)*
5. *Actions for annulment — Grounds — Lack of or inadequate statement of reasons — Distinguished from manifest error of assessment (Arts 263, second para., TFEU and 296 TFEU) (see para. 122)*

6. *Officials — Competitions — Holding of an open competition — Languages of participation in tests — Limitation of the choice of second language — Discrimination based on language — Justification based on the need to choose a restricted number of languages for internal communication — Inadmissibility (Staff Regulations, Arts 1d, and 28(f), and Annex III, Art. 1(1)(f); Council Regulation No 1, Art. 1) (see paras 127, 128, 133, 134, 144, 158, 176, 187)*
7. *Officials — Competitions — Holding of an open competition — Languages of participation in tests — Equal treatment — Judicial review — Scope (Staff Regulations, Arts 1d, and 28(f), and Annex III, Art. 1(1)(f); Council Regulation No 1, Art. 1) (see paras 146, 147)*
8. *Actions brought by officials — Judgment annulling a measure — Effects — Annulment of a notice of open competition — Legitimate expectations of the candidates selected — Results of the competition not called into question (Art. 266 TFEU; Staff Regulations, Art. 91) (see para. 191)*

Re:

APPLICATION for annulment of the corrigendum to notice of open competition EPSO/AD/177/10 to constitute a reserve list from which to recruit administrators in the fields of European public administration, law, economics, audit and information and communication technology (OJ 2013 C 82 A, p. 1), and corrigendum to notice of open competition EPSO/AD/178/10 and corrigendum to notice of open competition EPSO/AD/179/10 to constitute a reserve list from which to recruit administrators in the fields of, respectively, librarianship and information science and audiovisual (OJ 2013 C 82 A, p. 6).

Operative part

The Court:

1. Annuls the corrigendum, published in the *Official Journal of the European Union* of 21 March 2013, to notice of open competition EPSO/AD/177/10 to constitute a reserve list from which to recruit administrators in the fields of European public administration, law, economics, audit and information and communication technology, and the corrigendum, published in the *Official Journal of the European Union* of 21 March 2013, to notice of open competition EPSO/AD/178/10 and corrigendum to notice of open competition EPSO/AD/179/10 to constitute a reserve list from which to recruit administrators in the fields of, respectively, librarianship and information science and audiovisual, in so far as their nature and content have been identified in paragraphs 68 to 70 of the present judgment;
2. Orders the European Commission to bear, in addition to its own costs, those incurred by the Italian Republic;

3. Orders the Kingdom of Spain to bear its own costs relating to its intervention.