

Case T-245/94

Olga Beredima
v
Court of Justice of the European Communities

(Manifest inadmissibility of the application)

Full text in French II - 675

Application for: the partial annulment of the list of suitable candidates drawn up by the selection board of Competition No CJ 129/91.

Decision: Application dismissed.

Abstract of Order

The applicant, an official in grade C 3 at the Court of Justice, participated in the tests for internal competition No CJ 129/91 organized for the recruitment of a principal secretary whose language was Greek.

On 4 February 1994, the applicant was informed that she was fourth on the list of five successful candidates.

By complaint of 16 February 1994, the applicant requested that the names of the candidates in first and second places be removed from the list of suitable candidates on the ground that it was public knowledge that they had not filed certain of the requisite supporting documents within the time-limit set by the competition notice. That complaint was rejected.

Admissibility

The Court considers that this application seeks the partial annulment of the list of suitable candidates drawn up by the competition selection board and not the making of an injunctive order. The objection of inadmissibility raised by the defendant must accordingly be rejected (paragraph 16).

However, the Court's jurisdiction under Article 91 of the Staff Regulations is limited to reviewing the legality of acts adversely affecting officials. The decision of a selection board drawing up a list of suitable candidates is a preparatory act relating to the decision to appoint and its unlawfulness may accordingly be pleaded only in the context of an action challenging the decision for which it paved the way (paragraphs 17 and 18).

See: 143/84 *Vlachou v Court of Auditors* [1986] ECR 459, para. 11

It is also clear that the applicant's submission that the list of suitable candidates definitively determines the institution's position after the competition is misconceived. Although the appointing authority is, as a general rule, bound to respect the order of priority shown in the list of suitable candidates, it may none the less depart from that order provided that it gives clear and complete reasons for deciding to do so (paragraph 19).

See: *Vlachou v Court of Auditors*, cited above, para. 11

Operative part:

The application is dismissed as manifestly inadmissible.