



Press and Information

General Court of the European Union
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Judgment in Case T-205/07
Italian Republic v European Commission

The General Court annuls a call for expression of interest for the purpose of constituting a database for recruitment of contract staff in the European institutions

The publication of that call (EPSO/CAST/EU/27/07), in English, French and German only, constitutes discrimination between potential candidates on the basis of language, contrary to European Union law

European Union law provides that the official languages and the working languages of the European Union institutions are Bulgarian, Spanish, Czech, Danish, German, Estonian, Greek, English, French, Irish, Italian, Latvian, Lithuanian, Hungarian, Maltese, Dutch, Polish, Portuguese, Romanian, Slovak, Slovene, Finnish and Swedish.

On 27 March 2007, the Personnel Selection Office of the European Communities (EPSO) placed on its website the call for expression of interest (CEI) EPSO/CAST/EU/27/07, in English, French and German, for the purpose of constituting a database of candidates to be recruited as contract agents carrying out various tasks within the European institutions and agencies.

That CEI provided that all candidates had to have a thorough knowledge of one of the official languages of the European Union, as a main language, and a satisfactory knowledge of English, French or German, as a second language, which had to be different from the main language. Candidates had to sit the tests in their second language, to be chosen from English, French and German. If one of those three languages was their main language, candidates had to choose one of the other two languages as a second language.

On 4 June 2007, Italy brought an action for annulment of that CEI before the General Court, submitting inter alia that the publication of the CEI on EPSO's website, in three languages only, is not consistent with the principles of non-discrimination, proportionality and multilingualism.

In its judgment given today, the General Court has noted that there is no provision or principle of EU law which requires that a CEI must systematically be published on EPSO's website in all the official languages. There is no general principle of EU law guaranteeing to every citizen the right to have everything that could affect his interests written in his language under all circumstances.

However, although the administration is entitled to adopt the measures which it deems appropriate in order to govern certain aspects of a CEI, those measures must not lead to discrimination on the basis of language, between the candidates for a specific post.

Accordingly, if the administration decides to publish, on EPSO's website, the text of a CEI solely in certain languages, it must, in order to avoid discrimination on the basis of language, between candidates potentially concerned by that CEI, adopt appropriate measures to inform all those candidates of the existence of the CEI and of the language versions in which it has been published in full.

In the present case, first, the CEI was published on EPSO's website, in full, only in English, French and German. Second, the Commission did not provide either for the publication on its site – translated into all the official languages of the European Union – of a notice giving information on the existence and content of the CEI at issue, or for the adoption of other equivalent measures.

Therefore, even assuming that the Commission's website refers, in all the official languages, to EPSO's trilingual site, the fact remains that there is a significant danger that potentially interested candidates – whose mother tongue is not English, French or German – may not be informed of the very existence of the CEI.

In those circumstances, the possibility of being informed of the existence of the CEI at issue was not the same for every candidate, irrespective of the source language. By contrast, that CEI may favour candidates of certain nationalities, namely those from Member States where English, French or German are official languages.

On those grounds, the General Court has declared that the publication, in English, French and German only, on EPSO's website, of the CEI at issue constitutes discrimination between potential candidates on the basis of language, contrary to European Union law.

As a consequence, the General Court has annulled call for expression of interest EPSO/CAST/EU/27/07.

NOTE: An appeal, limited to points of law only, may be brought before the Court of Justice against the decision of the General Court within two months of notification of the decision.

NOTE: An action for annulment seeks the annulment of acts of the institutions of the European Union that are contrary to European Union law. The Member States, the European institutions and individuals may, under certain conditions, bring an action for annulment before the Court of Justice or the General Court. If the action is well founded, the act is annulled. The institution concerned must fill any legal vacuum created by the annulment of the act.

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The [full text](#) of the judgment is published on the CURIA website on the day of delivery

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