

JUDGMENT OF THE COURT OF FIRST INSTANCE (Fifth Chamber)
8 May 2001

Case T-182/99

Georges Caravelis
v
European Parliament

(Officials – Refusal of promotion – Consideration of comparative merits –
Action for annulment and compensation)

Full text in Greek II - 523

Full text in all languages in ECR, Section II

Application for: annulment of the Parliament's decision not to promote the applicant to Grade A 4 during the 1996 promotion procedure and also for compensation for the non-material damage suffered by the applicant.

Held: The decision of the Parliament not to promote the applicant to Grade A 4 during the 1998 promotion procedure is annulled. The application for compensation is dismissed. The Parliament is ordered to pay the costs.

Summary

Officials – Promotion – Consideration of comparative merits – Prior consideration of personal files by each Directorate-General – Whether permissible – Consideration to be undertaken subsequently by the Promotions Committee then by the appointing authority – Scope (Staff Regulations, Art. 45(1))

The discretion allowed to the administration in matters of promotion is subject to the need to undertake a comparative consideration of all officials eligible for promotion with care and impartiality, in the interests of the service and in accordance with the principle of equal treatment. In practice, such consideration must be undertaken on a basis of equality, using comparable sources of information. Against that background, while prior consideration within each Directorate-General of the personal files of officials eligible for promotion is not likely to hinder proper consideration of their comparative merits and, on the contrary, is in accordance with the principle of good administration, it must not take the place of the comparative consideration which must be undertaken subsequently by the Promotions Committee, where provision is made for such consideration. Every official eligible for promotion is therefore entitled to expect the Promotions Committee to compare his merits with those of other officials eligible for promotion to the grade concerned. The appointing authority cannot be allowed simply to consider the merits of those officials who are placed at the top of the lists prepared by the various Directorates-General, since that would render consideration of the comparative merits of all the officials eligible for promotion redundant.

(see paras 32-34)

See: T-157/98 *Oliveira v Parliament* [1999] ECR-SC I-A-163 and II-851, para. 35;
T-22/99 *Rose v Commission* [2000] ECR-SC I-A-27 and II-115, paras 56, 57 and 59