

ORDER OF THE COURT OF FIRST INSTANCE (Fifth Chamber)  
20 July 1994

Case T-45/93

**Paulo Branco**  
v  
**Court of Auditors of the European Communities**

(Manifest inadmissibility of the application)

Full text in Portuguese . . . . . II - 641

**Application for:** annulment of 'the 1992 promotions procedure of the Court of Auditors'.

**Decision:** Application dismissed.

**Abstract of the Order**

On 17 July 1992 the appointing authority published the list of persons recommended for promotion by the Joint Promotions Committee for 1992. The Joint Committee had not made a comparative examination of the merits of the applicant because he was on leave on personal grounds and, accordingly, his name did not appear on the list.

The promotion decisions were published, respectively, between 24 July and 24 August 1992 and between 3 August and 3 September 1992.

The Joint Committee then added the name of the applicant, who had in the meantime been reinstated, to the list it had drawn up in connection with the procedure that had closed with the promotion decisions at the end of July. That list was published between 17 December 1992 and 17 January 1993.

Not having been promoted, the applicant finally lodged a complaint on 6 January 1993, seeking the annulment or amendment of the decision on promotions for 1992 so as to enable him to be entered on the promotions list. He lodged a second complaint on 4 March 1993. Both complaints were dismissed by a note of 6 May 1993.

### **Admissibility**

The Court considers that the promotion procedure, taken as a whole, does not constitute an act adversely affecting an official. In the first place, it does not constitute a single act but a series of acts which led to promotion decisions capable of adversely affecting the applicant. Moreover, the publication of the amended list does not form part of that procedure because it was subsequent to those decisions (paragraph 24).

If it is assumed that the action is directed against the promotion decisions, it is inadmissible for failure to lodge a complaint against the promotion decisions for 1992 within the three-month time-limit prescribed by the Staff Regulations (paragraphs 25 and 26).

If it is assumed that it is directed against the publication of the amended list, the action is equally inadmissible, since the publication of that list, which was favourable to the applicant inasmuch as it included his name, did not adversely affect him (paragraphs 27 to 29).

If it is assumed that publication of the amended list may constitute a substantial new factor, justifying the applicant in submitting a request for a decision promoting him, and that the complaint by the applicant may be regarded as such a request, the decision rejecting that request on 6 May 1993 was not made the subject of a complaint submitted within the time-limit prescribed by the Staff Regulations (paragraphs 30 and 31).

**Operative part:**

**The application is dismissed as manifestly inadmissible.**