

JUDGMENT OF THE COURT OF FIRST INSTANCE (Second Chamber)  
22 May 2003

Case T-249/01

**Marc Boixader Rivas**  
v  
**European Parliament**

(Officials – Competitions – Notice – Conditions for admission –  
Licenciatura degree or equivalent – Degree in technical engineering –  
Knowledge of a second official language – Evidence –  
Action for annulment – Decision of the selection board –  
Objection of illegality of the notice of competition)

Full text in Spanish

II - 749

**Application for:** annulment, first, of the decision of 27 June 2001 of the selection board for Competition PE/90/A not to admit the applicant to that competition and, second, of the notice relating to that competition.

**Held:** The application is dismissed. The parties are ordered to bear their own costs.

## Summary

*1. Officials – Competitions – Conditions for admission – Requirements stricter than those laid down in the Staff Regulations with regard to grading – Permissible (Staff Regulations, Art. 5(1))*

*2. Officials – Competitions – Competition on the basis of qualifications and tests – Requirement of university degrees or diplomas – Requirement of a degree giving access to a doctorate – Admissibility for a Category A competition – Assessment in the light of the legislation of the State where the degree was awarded – Discrimination – None (Staff Regulations, Art. 27)*

1. The provisions of Article 5(1) of the Staff Regulations, which require Category A officials to have a university education, seek to provide a general definition of the minimum level required for the officials in that category and do not prevent there being fixed in a competition notice conditions which are more rigorous than those which correspond to the minimum requirements set out therein.

(see para. 20)

See: T-21/97 *Goycoolea v Commission* [1998] ECR-SC I-A-215 and II-679, para. 64

2. The fact that the qualifications submitted by candidates for a competition are evaluated according to the law of the Member State in which they pursued their

studies does not, in itself, entail any difference in treatment between candidates who are nationals of different Member States.

Thus, where a notice of competition for a Category A post requires candidates, in order to be admitted to the competition, to have a university degree providing access to a doctorate, the exclusion of candidates holding a university degree awarded in a Member State which, although requiring three years of study, does not confer that entitlement, does not constitute discrimination with regard to those with degrees awarded in other Member States which, according to the law of those States, allow access to a doctorate even though they were obtained after the same number of years' study.

Moreover, in the light of Article 27 of the Staff Regulations, which provides that the aim of all recruitment is to secure for the institution the services of officials of the highest standard of ability, the requirement of a degree providing access to a doctorate cannot be considered arbitrary.

(see paras 31-36)

See: T-16/90 *Panagiotopoulou v Parliament* [1992] ECR II-89, para. 55; T-299/97 *Alonso Morales v Commission* [1999] ECR-SC I-A-249 and II-1227