

Joined Cases T-160/89 and T-161/89

Gregoris Evangelos Kalavros

v

Court of Justice of the European Communities

(Recruitment procedure — Article 29(2) of the Staff Regulations applied — Requirement to state reasons — Assessment of the professional abilities of the candidates)

Judgment of the Court of First Instance (Fifth Chamber), 13 December 1990 872

Summary of the Judgment

1. *Officials — Recruitment — Examination of applications in the light of the conditions stated in the vacancy notice — Appointing authority's discretion — Judicial review — Limits*
2. *Officials — Decision adversely affecting a person — Obligation to state reasons — Decision rejecting an application under Article 29(2)
(Staff Regulations, Art. 25, second paragraph and Art. 29(2))*
3. *Officials — Decision adversely affecting a person — Obligation to state reasons — Failure to comply — Rectification during legal proceedings
(Staff Regulations, Art. 25, second paragraph)*

1. It is for the appointing authority to assess whether a candidate fulfils the conditions required by the vacancy notice and that assessment may be questioned only in the event of manifest error. Consequently, the Court of First Instance cannot substitute itself for the appointing authority and review the latter's assessment of the professional abilities of the candidates, except in so far as it finds a manifest error of assessment.
2. The rule laid down in the second paragraph of Article 25 of the Staff Regulations, according to which any decision adversely affecting an official must state the grounds on which it is based, applies to a decision rejecting an application under the recruitment procedure in Article 29(2) of the Staff Regulations. The latter provision, in spite of its exceptional character, cannot take precedence over a rule of the Staff Regu-

lations formulated in a general and unconditional manner.

3. In exceptional cases, as a result of the explanations given in the course of legal

proceedings, the argument that insufficient reasons were given may lose its purpose and cease to justify the annulment of the decision in question.

JUDGMENT OF THE COURT OF FIRST INSTANCE (Fifth Chamber)
13 December 1990 *

In Joined Cases T-160/89 and T-161/89,

Gregoris Evangelos Kalavros, a lawyer, residing at Athens, represented by **Antonis N. Phetokakis**, of the Athens Bar, with an address for service in Luxembourg at the chambers of **Kamitaki Thill**, 17 boulevard Royal,

applicant,

v

Court of Justice of the European Communities, represented by **Amélia Cordeiro**, acting as Agent, assisted by **Konstantinos T. Loukopoulos**, of the Athens Bar, with an address for service at the office of **Amélia Cordeiro** at the Court of Justice of the European Communities,

defendant,

APPLICATION for the annulment of the decision rejecting the applicant's candidacy for a post of director, the decision appointing another candidate to the post and the decision refusing to provide him with a copy of the latter decision, and for an order that a copy of the decision making an appointment be communicated to him,

* Language of the case: Greek.