

Case T-109/89
(Summary publication)

Georges-Marc André
v
Commission of the European Communities
(Official — Reclassification)

Summary of the Judgment

- 1. Officials — Recruitment — Classification in step — Award of additional seniority — Account to be taken of experience — Discretion of the administration — Only studies evidenced by a diploma to be treated as equivalent to experience (Staff Regulations of Officials, Art. 32, second paragraph)*
- 2. Officials — Recruitment — Assignment of grade and classification in step — Internal directive of an institution on the applicable criteria — Legal effects*

1. In granting additional seniority when recruiting an official the appointing authority has a discretion under the second paragraph of Article 32 of the Staff Regulations covering all aspects which may be relevant to the recognition of previous experience, both as regards the nature and duration of such experience and as regards the extent to which it matches the requirements of the post to be filled (see judgments in Case 190/82 *Blomefield v Commission* [1983] ECR 3981, Case 17/83 *Angelidis v*

Commission [1984] ECR 2907 and Case 280/85 *Mouzourakis v Parliament* [1987] ECR 589).

The appointing authority does not exceed the limits of its discretion if it requires that studies must be evidenced by a diploma in order for them to be taken into account as equivalent to previous experience. Such a requirement also makes it possible to avoid differences in treatment at the time of recruitment.

2. A decision of a Community institution, communicated to all members of its staff, concerning classification in grade and step on recruitment constitutes an internal directive which must as such be regarded as a rule of conduct indicating the practice to be followed which the administration imposes on itself and from which it may not depart without specifying the reasons which have led it to do so, since otherwise the principle of equality of treatment would be infringed (see judgment in Case 190/82 *Blomefield v Commission* [1983] ECR 3981).

THE COURT OF FIRST INSTANCE (Fifth Chamber)
20 March 1991 *

In Case T-109/89,

Georges-Marc André, an official of the Commission of the European Communities, residing in Jambes (Belgium), represented by Manuel Campolini, of the Brussels Bar, with an address for service in Luxembourg at the Chambers of Victor Gillen, 13 rue Aldringen,

applicant,

v

Commission of the European Communities, represented by Joseph Griesmar, Legal Adviser, acting as Agent, with an address for service in Luxembourg at the office of Guido Berardis, a member of the Commission's Legal Department, Albert Wagner Centre, Kirchberg,

defendant,

* Language of the case: French.