

Case T-69/92

Willy Seghers

v

Council of the European Communities

(Official — Arrangement for the performance of duties —
Definition of act adversely affecting official)

Judgment of the Court of First Instance (Third Chamber), 24 June 1993 II - 652

Summary of the Judgment

1. *Officials — Actions — Act adversely affecting official — Definition — Change in conditions for performance of duties — Organizational measure internal to department — Exclusion — Exceptions*
(*Staff Regulations, Art. 90(2)*)
2. *Officials — Competitions — Notice of competition — Purpose — Information on arrangements for performance of duties — Not binding on the administration*
(*Staff Regulations, Annex III, Art. 1(1)*)

1. A decision which does not affect the nature or the range of duties but merely the arrangements for their performance within the department to which the official is assigned is not an act adversely affecting an official within the meaning of Article 91 of the Staff Regulations, that is to say, an act directly and immediately

affecting the legal situation of the official concerned by reason of its legal, material or financial consequences. It is merely an internal measure for the organization of a department and falls within the wide discretion which the administration has for this purpose. An application to the Court directed against such a decision could be

rendered admissible only if special circumstances justify it. This might be the case either if the decision in issue were in the nature of a covert penalty or if it disclosed an intention to discriminate against the official concerned or, again, if it involved misuse of powers.

inform potential candidates as accurately as possible of the nature of the conditions of eligibility for the post in order to enable them to judge whether they should apply for it. However, the information contained in the notice concerning the arrangements for the performance of duties has neither the object nor the effect of requiring the administrative authority to organize the department on a permanent basis exclusively in accordance with the arrangements described after the successful candidates have been recruited.

2. Under the Staff Regulations the essential purpose of a notice of competition is to

JUDGMENT OF THE COURT OF FIRST INSTANCE (Third Chamber)
24 June 1993 *

In Case T-69/92,

Willy Seghers, official of the Council of the European Communities, residing in Brussels, represented by Georges Vandersanden and Laure Levi, of the Brussels Bar, with an address for service in Luxembourg at the Chambers of Alex Schmitt, 62 Avenue Guillaume,

applicant,

v

Council of the European Communities, represented by Jorge Monteiro, of its Legal Service, acting as Agent, with an address for service in Luxembourg at the office of Xavier Herlin, Manager of the Directorate for Legal Affairs of the European Investment Bank, 100 Boulevard Konrad Adenauer,

defendant,

* Language of the case: French.