

Case T-72/89
(Summary publication)

Pedro Bocos Viciano

v

Commission of the European Communities

(Official — Open competition — Refusal to offer a post)

Officials — Action — Action by a successful candidate at an open competition directed against the failure to offer a post — Legal basis — Prior administrative complaint — None — Inadmissibility

(EEC Treaty, Art. 179; Staff Regulations, Arts 90 and 91)

The action brought by a person whose name is entered on a reserve list following an open competition against the failure by a Community institution to offer him a post comes under Article 179 of the Treaty and Articles 90 and 91 of the Staff Regulations of Officials (see the judgments of 22 October 1975 in Case 9/75 *Meyer-Burckhardt v Commission* [1975] ECR 1171 and of 29 October 1975 in Joined Cases 81

to 88/74 *Marenco and Others v Commission* [1975] ECR 1247).

Such an action cannot be declared admissible in the absence of a prior complaint as provided for in Article 91 of the Staff Regulations (see the judgment of 3 February 1977 in Case 91/76 *De Lacroix v Court of Justice* [1977] ECR 225).