

Case T-74/91

Rocco Tancredi v European Parliament

(Inadmissibility)

Order of the Court of First Instance (Third Chamber), 6 April 1992 II - 1646

Summary of the Order

1. *Officials — Actions — Action brought against decision of a selection board — Pleas alleging irregularities in the notice of competition not contested in good time — Inadmissible — Limits — Irregularities appearing during the course of the competition (Staff Regulations, Art. 91)*
2. *Officials — Actions — Action brought against the non-inclusion of a person on a list of suitable candidates — Admissible — Pleas which may be relied on (Staff Regulations, Art. 91)*

1. An official may not, in support of an action brought against a decision of a selection board, rely on pleas based on the alleged irregularity of the notice of competition when he has failed to challenge in good time the provisions of those notice which he considers to affect him adversely. Were it otherwise, it would be possible to challenge a competition notice long after it had been published and after most, or all, of the

operations carried out in connection with the competition had already taken place, which would be contrary to the principles of legal certainty, the protection of legitimate expectations and sound administration. The situation is not the same in the case of an official who relies on irregularities which may originate in the wording of the notice of competition but which also occur in the course of the competition.

2. An action against a decision not to include a candidate's name on the list of suitable candidates drawn up by a selection board is in principle admissible. However, if the non-inclusion follows from the candidate's failure in the tests to obtain the minimum number of points required by the notice of competition, the applicant can validly put forward only one plea in law, namely manifest error by the selection board in assessing his abilities and in particular that the selection board was wrong to award him an insufficient mark at the tests. As the applicant has not argued that the selection board was wrong to award him an insufficient mark, the claim for the annulment or amendment of the list of suitable candidates is inadmissible.

ORDER OF THE COURT OF FIRST INSTANCE (Third Chamber)

6 April 1992 *

In Case T-74/91,

Rocco Tancredi, residing in Taranto (Italy), represented by Giuseppe Semeraro, Avvocato with right of audience before the Corte di Cassazione, whose Chambers are situated at 3 Via Mazzini, 74100 Taranto,

applicant,

v

European Parliament, represented by Jorge Campinos, Jurisconsult, and Kieran Bradley, of its Legal Service, acting as Agents, with an address for service in Luxembourg at the General Secretariat of the European Parliament, Kirchberg,

defendant,

APPLICATION for the annulment of Notice of Competition PE/52/A and/or annulment or amendment of the list of suitable candidates drawn up by the Selection Board for that competition,

* Language of the case: Italian.