

Appeal brought on 11 February 2022 by HC against the judgment of the General Court (Eighth Chamber) delivered on 1 December 2021 in Case T-804/19, HC v Commission

(Case C-102/22 P)

(2022/C 222/17)

Language of the case: English

Parties

Appellant: HC (represented by: D. Rovetta, V. Villante, avvocati)

Other party to the proceedings: European Commission

Form of order sought

The Appellant claims that the Court should:

- set aside and annul the judgment of the General Court of 1 December 2021 in Case T-804/19, HC vs. European Commission, ECLI:EU:T:2021:849, notified to HC on 1 December 2021;
- declare the plea of illegality under article 277 of the Treaty on the Functioning of the European Union of the Notice of Competition at issue concerning its language regime admissible and founded;
- annul the ‘second contested decision’ at first instance namely the letter/decision of 21 March 2019 in which EPSO rejected the request for review, informing the applicant that the selection board had confirmed its decision not to invite him to the assessment centre;
- award the Appellant 50.000 euro in form of compensation for the damage suffered.
- As a subordinate to the above, set aside the General Court judgment under appeal and send the case back to the General Court;
- order the European Commission to bear the Appellant’s costs both concerning the first instance and present appellate proceeding.

Pleas in law and main arguments

In the current appeal, the Appellant relies on the two main grounds of appeals:

First ground of appeal: Erroneous qualification of facts and distortion of evidence by the General Court with regard to its assessment and judgment concerning the second part of the first plea in law raised by the Appellant at first instance — Breach of the notice of competition. The Appellant faults the General Court of having wrongly qualified the facts, distorted evidence and breached the Notice of Competition applicable to him with regard to the evaluation of the Appellant’s professional experience and academic qualifications.

Second ground of appeal: Breach and wrong interpretation of Article 277 of the TFEU. Breach of Articles 1 to 4 of Regulation No 1 of 15 April 1958 ⁽¹⁾ determining the languages to be used by the European Economic Community in its version currently in force. Breach of Article 1d and Article 28 of the Staff Regulations and Article 1(1)(f) of Annex III thereto. The Appellants faults the General Court for having interpreted too strictly the requirement related to a ‘close connection’ between the Notice of Competition at issue and the challenged decision before the General Court for the purpose of raising a plea of illegality under article 277 TFEU against such Notice of Competition. The Appellant is of the view that such ‘close connection’ is present and therefore his plea of illegality against the restriction to the use as the second language for the competition at issue of French and English is admissible and well founded.

⁽¹⁾ OJ 1958, 17, p. 385.