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Press and Information

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Judgment of the Court of Justice in Case C-160/03

Kingdom of Spain v. Eurojust

THE ACTION BROUGHT BY SPAIN CHALLENGING CALLS FOR APPLICATIONS ISSUED BY EUROJUST IS INADMISSIBLE

The candidates for the various posts referred to in the contested calls for applications had access to the Court of First Instance

On 13 February 2003, eight calls for applications aimed at drawing up reserve lists to fill temporary staff posts at Eurojust¹ were published in the *Official Journal of the European Union*.²

Spain, relying on the EC Treaty, claimed that the Court of Justice of the European Communities should annul, in seven of those calls for applications, both the point concerning documents to be submitted in English by persons submitting their application form in another language and the various points concerning candidates' qualifications in respect of knowledge of languages.

Eurojust contended that the action for annulment brought by Spain was inadmissible.

The Court finds that **the Eurojust acts contested by Spain are not covered by the provision of the EC Treaty containing the list of acts against which actions for annulment may be brought under that Treaty.**

Consequently, the action, which was brought under that provision, is inadmissible.

¹ Eurojust was set up as a body of the European Union by a Council Decision of 28 February 2002 adopted under articles forming part of Title VI of the Treaty on European Union relating to police and judicial cooperation in criminal matters. Its task, in relation to serious forms of crime, is to stimulate and improve the coordination of investigations and prosecutions in the Member States, to improve cooperation between the competent authorities of the Member States, and to support those authorities. Eurojust has its headquarters in The Hague and its own administrative structure.

² OJ 2003 C 34 A, pp. 1 to 19. They concerned inter alia posts for a Data-protection Officer, an Accounting Officer, an IT-informatics expert of the European judicial network, a Legal Officer, a Librarian/Archivist, a Press Officer and a Secretary to the General Administration.

The Court adds that **those acts are nevertheless not exempt from judicial review**. Eurojust staff are subject to the rules and regulations applicable to officials and other servants of the European Communities. According to settled case-law, the main interested parties, namely **the candidates for the various posts referred to in the contested calls for applications, therefore had access to the Court (Court of First Instance)**.

In the event of such an action, Member States are entitled to intervene in the proceedings and, where appropriate, appeal against the judgment of the Court of First Instance.

Unofficial document for media use, not binding on the Court of Justice.

Languages available: FR, EN, ES, DE, IT, PL

The full text of the judgment may be found on the Court's internet site

<http://curia.eu.int/jurisp/cgi-bin/form.pl?lang=en>

It can usually be consulted after midday (CET) on the day judgment is delivered.

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