OPINION OF MR ADVOCATE GENERAL VERLOREN VAN THEMAAT DELIVERED ON 29 NOVEMBER 1984 [1]

Mr President,
Members of the Court,

In these proceedings the applicant seeks a declaration that Decision No 317/83/A of the Secretary General of the Economic and Social Committee of 1 July 1983 is void, but only in so far as she is designated in that decision as a secretarial assistant. The transfer effected by that decision, namely to a new B 4/B 5 post in the Mail/Records/Library/Documentation Department, is not contested.

The applicant considers that the said designation adversely affects her prospects of promotion. In her view, the effect of that designation is to classify her in the secretarial B category, which involves secretarial work and typing, as opposed to the normal B category, which is concerned with the performance of administrative and office duties. There is no need for me to consider how that classification, which dates back to 1970, came into existence. The matter is sufficiently documented in the file before the Court and in the Report for the Hearing. The difference in promotion prospects within each of those categories may also be regarded as proven.

As is clear from the rejoinder and as was expressly reaffirmed at the hearing, the above-mentioned designation of the applicant was replaced as a result of a decision adopted on 24 May 1984 by the designation "administrative assistant", which denotes a post in the normal B category. In that respect, therefore, the applicant has achieved her purpose. The information provided by the representative of the Economic and Social Committee, to the effect that the change in designation was due to the availability of posts under the budget, also serves to clarify the matter.

The question at issue now is whether the applicant still has an interest in pursuing her claim. That claim, according to the applicant, involves two factors which bear on the future course of her career. The first of those factors concerns the calculation of the applicant's seniority in grade. However, the representative of the Economic and Social Committee expressly pointed out at the hearing — and this is not contested by the applicant — that the period between 1 July 1983 and 24 May 1984 also counts for the calculation of her seniority and thus enhances her prospects of promotion, with the result that there is no need for the decision of 24 May 1984 to take effect retroactively. The second factor which may be pertinent concerns the competition which the applicant may face in pursuing her career in the normal B category. The Economic and Social Committee has made it clear in that regard that officials in the secretarial B and in the technical B categories can be considered for a post in the normal B category only if they are successful in a normal B competition; on the other hand, the holder of a normal B post may apply for secretarial B and technical B posts. It is therefore clear that, as a result of the decision of 24 May 1984, the applicant is now assured of a priviliged position, in relation to officials holding secretarial B and technical B posts, as

1 — Translated from the Dutch.

regards her prospects of promotion to normal B grades, without being deprived of any of her prospects of promotion to other B grades.

The applicant's claim is therefore devoid of purpose. However, it is not the applicant who is to blame but the Economic and Social Committee, since it was only during the oral procedure that it replied in unequivocal terms to the question put to it earlier by the Court as to whether the applicant still had an interest in pursuing her application after the adoption of the decision of 24 May 1984.

I am therefore of the opinion that:

(i) the applicant's claim is devoid of purpose;

(ii) the Economic and Social Committee should be ordered to pay the costs, including those of the applicant.