Operative part

The total amount of costs which Vitakraft-Werke Wührmann & Sohn GmbH & Co. KG must repay to Krafft SA is fixed at USD 6 125.44.

Order of the Court (Fifth Chamber) of 19 October 2007 — Beyatli v Commission

(Case C-238/07 P)

Appeals — Staff cases — Open competition for citizens of the Republic of Cyprus — Notice of competition — Time-limits — Complaint — Letter addressed to the head of the Commission delegation in Cyprus

Appeals — Grounds — Plea alleging failure to produce documents — Documents not relevant for ruling on the admissibility of the action — Appeal dismissed (see paras 38, 39, 45, 46)

Re:

APPEAL against the order of the Court of First Instance (Fifth Chamber) of 5 March 2007 in Case T-455/04 *Beyatli and Candan* v *Commission* by which the Court of First Instance dismissed as inadmissible an application seeking the annulment of the decision of the selection board in Competition EPSO/A/1/03 for the establishment of a reserve list of assistant administrators of Cypriot nationality not to admit the appellants to the oral tests in that competition — Period within which a complaint must be lodged pursuant to Article 90(2) of the Staff Regulations.

Operative part

The Court:

1. The appeal is dismissed;

2. Ms Beyatli is orders to pay the costs.

Judgment of the Court (Fourth Chamber) of 25 October 2007 — Komninou and Others v Commission

(Case C-167/06 P)

Appeal — Non-contractual liability of the Community — Complaint under Article 226 EC — Treatment of complainants by the Commission — Principles of sound administration, legitimate expectations and legal certainty — Scope — Article 21 EC — Right of complaint — Scope of the Ombudsman's findings

1. *Appeals — Grounds — Inadequate statement of reasons — Reliance by the Court of First Instance on implied reasoning — Lawfulness — Limits (Arts 21(2) and (3), EC and 225 EC) (see paras 22-27)*

2. *Citizens of the European Union — Rights of the citizen (Art. 21(2) and (3), EC) (see paras 35-37)*

3. *Appeals — Grounds — Mistaken assessment of the facts — Inadmissibility — Review by the Court of Justice of the assessment of the evidence — Possible only where the clear sense of the evidence has been distorted (Art. 225 EC; Statute of the Court of Justice, Art. 58) (see paras 40-46)*