

Decision of the Board of Appeal: Dismissal of the appeal as inadmissible as a result of a failure to comply with the time-limit prescribed for lodging appeals.

Pleas in law:

- infringement of Article 6 of the European Convention on Human Rights in that notification by fax does not satisfy the requirement for security of notification in proceedings.
- in the alternative, infringement of Rules 55, 61 and 65 of Commission Regulation No 2868/95 and of Article 59 of Regulation No 40/94.

Pleas in law and main arguments

Competition notice CONSEIL/A/270 stated that candidates were required to have a perfect command of one of the official languages of the European Communities, a very good knowledge of either English or French and an adequate knowledge of the other of those two languages. However, candidates choosing French or English as the language of which they had a perfect command were required to show evidence of a very good knowledge of the other of those two languages and also an adequate knowledge of a third official language. By his first plea, the applicant claims that this provision discriminates between, on the one hand, anglophone and francophone candidates and, on the other, other candidates. In that context, he relies on breach of the principle of equal treatment and also of subparagraph f of the first paragraph of Article 28 of the Staff Regulations. By his second plea, the applicant claims that, at the third written test, candidates were asked to write a brief account of the role of the Secretariat General of the Council, in breach of the competition notice, which provided for an account of the activities of the Council. The third plea refers to the Council's refusal to grant the applicant access to the corrected copy of his third written test. The applicant pleads infringement of Article 255(1) EC and also breach of the obligation to state reasons and of the principles of good management and good administration.

Action brought on 10 November 2003 by Michel Hendrickx against Council of the European Union

(Case T-376/03)

(2004/C 21/81)

(Language of the case: French)

An action against the Council of the European Union was brought before the Court of First Instance of the European Communities on 10 November 2003 by Michel Hendrickx, residing in Brussels, represented by Sébastien Orlandi, Albert Coolen, Jean-Noël Louis and Etienne Marchal, lawyers, with an address for service in Luxembourg.

The applicant claims that the Court should:

- annul the decisions of the Selection Board for competition CONSEIL/A/270 to award him an eliminatory mark for written test A.3 and not to admit him to the oral tests;
- order the Council to pay the applicant symbolic damages of one euro for the non-pecuniary harm sustained;
- order the defendant to pay the costs.

Action brought on 17 November 2003 by ATI Technologies Inc. against the Office for Harmonisation in the Internal Market

(Case T-377/03)

(2004/C 21/82)

(Language of the case: French)

An action against the Office for Harmonisation in the Internal Market was brought before the Court of First Instance of the European Communities on 17 November 2003 by ATI Technologies Inc., established in Thornhill (Canada), represented by Chantal Silvia Moreau, lawyer, with an address for service in Luxembourg.

Asociación de Técnicos de Informática — ATI was also a party to the proceedings before the Board of Appeal.