

JUDGMENT OF THE COURT OF FIRST INSTANCE

ORDER OF THE COURT OF FIRST INSTANCE

of 5 April 2005

of 6 December 2004

in Case T-376/03 **Michel Hendrickx v Council of the European Union** ⁽¹⁾

in Case T-55/02 **Peter Finch v Commission of the European Communities** ⁽¹⁾

(Officials — Internal competition — Non-admission to oral tests — Requirement of specific knowledge of languages — Principle of equal treatment — Access to Council documents — Obligation to state grounds)

(Officials — Complaint — Implied rejection — Express rejection within the time-limit for appeals — Late notification of rejection — Admissibility — Pensions — Transfer of national pension rights — Calculation of years of service to be taken into account in the Community scheme — Salary taken as basis — Action manifestly unfounded in law)

(2005/C 143/62)

(2005/C 143/63)

*(Language of the case: French)**(Language of the case: French)*

In Case T-376/03: Michel Hendrickx, official of the Council of the European Union, residing in Brussels (Belgium), represented by J.-N. Louis, S. Orlandi, A. Coolen and E. Marchal, lawyers, with an address for service in Luxembourg, against Council of the European Union (Agents: M. Sims and F. Anton) — application, first, for annulment of the decision of the Selection Board in competition Council/A/270 to award the applicant a disqualifying mark for written test A.3 and not to admit him to the oral tests and, second, for an order requiring the Council to pay token compensation of EUR 1 for non-material damage suffered — the Court of First Instance (First Chamber), composed of J.D. Cooke, President, R. Garcia-Valdecasas and I. Labucka, Judges; I. Natsinas, Administrator, for the Registrar, gave a judgment on 5 April 2005, in which it:

1. Dismisses the action;
2. Orders the parties to bear their own costs.

⁽¹⁾ OJ C 21 of 24.1.2004.

In Case T-55/02: Peter Finch, an official of the Commission of the European Communities, residing in Luxembourg (Luxembourg), represented by J.-N. Louis, lawyer, with an address for service in Luxembourg, against Commission of the European Communities (Agents: F. Clotuche-Duvieusart and H. Tserepa-Lacombe, with an address for service in Luxembourg) — application for annulment of the Commission's decision concerning the crediting of years of pensionable service to be taken into account in the Community scheme in consequence of the transfer of all the pension rights acquired by the applicant prior to his entry into service with the Commission — the Court of First Instance (Fifth Chamber), composed of M. Vilaras, President, M.E. Martins Ribeiro and K. Jürimäe, Judges; H. Jung, Registrar, made an order on 6 December 2004, the operative part of which is as follows:

1. The action is dismissed as manifestly unfounded in law.
2. The parties shall bear their own costs.

⁽¹⁾ OJ C 97 of 20.4.2002.