

— annul the competition notice for ‘Directorate-General OLAF, Publication of a vacancy for a Director-General (grade A*15-16) (Article 29(2) of the Staff Regulations) (COM/2005/335)’, published in the *Official Journal of the European Union* of 9 February 2005, series C. 34 A, p.3.

Pleas and principal arguments adduced in support

The present action is directed against:

— the DG ADMIN decision on the use of languages (publications under Article 29(2) — EUR-25 posts) adopted at the 1678th Administrative and Budget Meeting of 10 November 2004, in so far as it provides that vacancy notices for senior posts reserved for external candidates are to be published in the *Official Journal of the European Union* only in German, English and French;

— the competition notice for ‘Directorate-General OLAF, Publication of a vacancy for a Director-General (grade A*15-16) (Article 29(2) of the Staff Regulations) (COM/2005/335)’, published in the *Official Journal of the European Union* of 9 February 2005, series C. 34A, p.3. That notice was not published in Italian.

In support of its submissions, the applicant claims that:

(1) the contested measures call in question an essential principle of Community law which falls to be upheld, primarily, by the Member States. It is clear from Article 290 EC that the Community institutions are to exercise their powers in compliance with the requirement of linguistic diversity. Observance of the requirement of linguistic diversity is one of the essential aspects of the protection afforded to the national identity of the Member States, as is clear from Articles 12 and 148 EC and 6(3) EU. Article 12 EC, in particular, upholds, in accordance with Community case-law, a general principle of Community law as a specific expression of the general principle of equality. That principle ranks as a fundamental principle of Community law;

(2) the fact of limiting to only three languages the publication of competition notices for access to posts in the Commission, which until 2004 had been published in all the ‘official languages’ of the Community, constitutes an infringement not only of Regulation (EEC) No 1/1958 but also of the last paragraph of Article 18 of the Commission’s Rules of Procedure, and of Articles 1d and 27 of the Staff Regulations of Officials, of the principle of non-discrimination on grounds of nationality and of the principle of the protection of linguistic diversity.

Removal from the Register of Case T-237/99 ⁽¹⁾

(2005/C 155/61)

(Language of the case: Dutch)

By order of 11 April 2005, the President of the Second Chamber (Extended Composition) of the Court of First Instance of the European Communities has ordered the removal from the Register of Case T-237/99, *Nederland V.O.F., BP Direct V.O.F. and Actomat B.V., supported by the Kingdom of the Netherlands v Commission of the European Communities*.

⁽¹⁾ OJ C 20 of 22.01.2000.

Removal from the Register of Case T-163/02 ⁽¹⁾

(2005/C 155/62)

(Language of the case: German)

By order of 26 April 2005, the President of the Fifth Chamber of the Court of First Instance of the European Communities has ordered the removal from the Register of Case T-163/02, *Montan Gesellschaft Voss mbH Stahlhandel and Others v Commission of the European Communities*.

⁽¹⁾ OJ C 191 of 10.8.2002.