

ORDER OF THE COURT OF FIRST INSTANCE (Fourth Chamber)
8 February 1993 *

In Case T-101/92,

Dimitrios Stagakis, residing at Rethymnon (Greece),

applicant,

v

European Parliament,

defendant,

APPLICATION for the annulment of the reserve list in Competition EP/149/LA for the recruitment of Greek-language translators on the ground of irregularities in the conduct of the tests,

THE COURT OF FIRST INSTANCE
OF THE EUROPEAN COMMUNITIES (Fourth Chamber),

composed of: C. W. Bellamy, President, H. Kirschner and A. Saggio, Judges,

Registrar: H. Jung,

makes the following

* Language of the case: Greek.

Order

1 The present action was brought by application addressed to the Registry of the Court of Justice and received there on 9 November 1992. By letter of 13 November 1992 from the Registry of the Court of Justice the applicant was requested to specify whether the action was intended to be lodged with the Court of First Instance and, since he replied in the affirmative by letter received at the Registry of the Court of Justice on 26 November 1992, the application was transmitted to the Registry of the Court of First Instance pursuant to the first paragraph of Article 47 of the EEC Statute of the Court of Justice and recorded at the Registry of the Court of First Instance on 27 November 1992.

2 Only one copy of the application was lodged and it was not accompanied by a schedule listing the documents annexed to it. The application bore the signatures of the applicant and of Giorgios Dim. Kartalis, with a note to the effect that the latter is a lawyer. The application indicated an address for service at the residence of Ismini Seïtani, 42 Rue des Glacis, who, upon receiving a telephone call from the Registry, confirmed that she had agreed to act as the person authorized to accept service. No document certifying Mr Kartalis' entitlement to practise before a court of a Member State was enclosed with the application. The applicant also asked in his application to be granted legal aid and to be exempted from the requirement to use a lawyer to conduct his action, but failed to annex to his application the tax collector's certificates which were mentioned therein and which purportedly demonstrated that he is in need of assistance.

3 After trying unsuccessfully to contact Mr Kartalis directly by telephone, the Registry requested him, by letter of 30 November 1992, served at the address for service on 2 December 1992, to lodge, in order to put the application in order, a document certifying that he is entitled to practise before a court of a Member State and a schedule listing the documents annexed to the application, together with six certified true copies of the application, and allowed him until 18 December 1992 to comply. By the same letter, the Registry requested the applicant to lodge his application for legal aid by separate document accompanied by a document from the competent authority certifying his lack of means, in accordance with Article 94(1) of the Rules of Procedure.

4 No response to that letter was received either before or after the expiry date of 18 December 1992.

5 On 22 December 1992, the applicant lodged a document entitled 'Quasi-judicial Application' and addressed to 'The Committee for Quasi-judicial Actions (Court of First Instance — Court of Justice of the European Communities)', correcting and completing certain points of the application, the wording of which it repeats. This new document, again signed by the applicant and Mr Kartalis, was not accompanied by a certificate of Mr Kartalis' entitlement to practise before a court of a Member State, or by a schedule listing the documents annexed to the application, or by evidence of the applicant's lack of means. This document was entered in the register as a corrigendum to the application.

6 It must first be recalled that, pursuant to Article 43(1) and (4) of the Rules of Procedure, every pleading must be accompanied by a schedule listing the documents relied on in support of it and which are annexed, and must be lodged together with five copies for use by the Court. Pursuant to Article 44(3) of the Rules of Procedure, the lawyer acting for a party must lodge at the Registry a certificate that he is entitled to practise before a court of a Member State.

7 It must next be recalled that the requirement that a practising certificate be lodged, laid down by Article 44(3) of the Rules of Procedure, is one of the conditions for the regularity of the application, failure to observe which results, in accordance with Article 44(6) of the Rules of Procedure, in the prescription of a reasonable period for the application to be put in order and the document concerned to be produced. If the document is not produced within the time prescribed, the Court decides whether non-compliance with this condition renders the application formally inadmissible.

8 The reason for the requirement that a certificate of entitlement to practise be lodged is to enable the Court to check compliance with Article 17 of the EEC Statute of the Court of Justice, pursuant to which parties other than Member States must be represented by a lawyer entitled to practise before a court of a Member State. This requirement therefore constitutes an essential procedural requirement, failure to observe which renders the action inadmissible.

- 9 In this regard, the Court finds, firstly, that the application does not comply with Article 44(3) of the Rules of Procedure.
- 10 The Court further finds that the applicant was duly requested to comply with this article by letter served at his address for service in Luxembourg, that he was allowed a reasonable period of time for this purpose and that he still did not produce a document enabling the Court to check whether Mr Kartalis was entitled to practise before a court of a Member State.
- 11 The action must, therefore, be declared inadmissible.
- 12 With regard to costs, since this order has been made before service of the application on the defendant and before the latter could have incurred costs, suffice it to say that the applicant must bear his own costs.
- 13 The application for legal aid, which was not accompanied by the information and documents specified in the second paragraph of Article 94(1) of the Rules of Procedure, must be dismissed.

On those grounds,

THE COURT OF FIRST INSTANCE (Fourth Chamber)

hereby orders as follows:

1. The application is dismissed as inadmissible;
2. The applicant is to bear his own costs;

3. The application for legal aid is dismissed.

Luxembourg, 8 February 1993.

H. Jung

Registrar

C. W. Bellamy

President