

Instance of the European Communities on 28 October 1997 by Antonio Giannini, residing in Brussels, represented by Marc Dallemagne and Carlo Locchi, of the Brussels Bar, 85 Rue du Prince Royal.

The applicant also maintains that the contested decisions disregard the principle of the protection of legitimate expectations and are vitiated by a misuse of powers.

The applicant claims that the Court should:

- annul:
 - the defendant's decision annulling notice COM/151/94,
 - notice COM/062/97,
 - the defendant's decision No 4732 of 24 July 1997 rejecting the complaint, which was notified to the applicant on 30 July 1997,
- order the defendant to:
 - pay the applicant the difference between his salary and the salary improperly paid to the candidate appointed to the post in issue, by way of compensation for the non-material damage suffered by him since the unlawful appointment of the latter,
 - pay the applicant the difference between his current salary and the salary which he would have received in grade A3 since 28 April 1995, by way of compensation for the material damage suffered by him,
 - pay all of the costs.

Pleas in law and main arguments adduced in support:

The applicant contests the decisions taken by the defendant, in consequence of the judgment delivered by the Court of First Instance on 19 March 1997 in Case T-21/96 Giannini v. Commission, to annul vacancy notice COM/151/94, issued with a view to filling the post of Head of Unit DG I/D/1 'Negotiation and management of textile agreements; footwear and other industries', and to publish a new vacancy notice COM/062/97 in relation to the same post.

He considers that the arguments advanced by the defendant to justify the formulation of a fresh notice corresponding to the same post are incorrect, and asserts that to seek to remove the defects which vitiated the notice annulled by the Court by adopting an act which, although in a new form, is vitiated by the same defects, amounts to an attempt to circumvent the spirit of the Court's judgment.

Removal from the register of Case T-396/94 ⁽¹⁾
(97/C 387/48)

(Language of the case: Dutch)

By order of 3 November 1997 the President of the First Chamber, Extended Composition, of the Court of First Instance of the European Communities has ordered the removal from the register of Case T-396/94: Centrale Bewegingseenheid (CBE) v. Commission of the European Communities.

⁽¹⁾ OJ C 392, 31. 12. 1994.

Removal from the register of Case T-23/97 ⁽¹⁾
(97/C 387/49)

(Language of the case: Portuguese)

By order of 3 November 1997 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-23/97: AEVP — Associação das Empresas de Vinho do Porto v. Commission of the European Communities.

⁽¹⁾ OJ C 131, 26. 4. 1997.

Removal from the register of Case T-87/97 ⁽¹⁾
(97/C 387/50)

(Language of the case: Dutch)

By order of 3 November 1997 the President of the First Chamber of the Court of First Instance of the European Communities has ordered the removal from the register of Case T-87/97: Gustaaf van Dyck v. Commission of the European Communities.

⁽¹⁾ OJ C 166, 31. 5. 1997.