

Article 215 of the EC Treaty (now Article 235 EC and the second paragraph of Article 288 EC) for damage suffered by the applicant as a result of his having been prevented from marketing milk by virtue of Council Regulation (EEC) No 857/84 of 31 March 1984 adopting general rules for the application of the levy referred to in Article 5c of Regulation (EEC) No 804/68 in the milk and milk products sector, (OJ 1984 L 90, p. 13), as supplemented by Commission Regulation (EEC) No 1371/84 of 16 May 1984 laying down detailed rules for the application of the additional levy referred to in Article 5c of Regulation (EEC) No 804/68 (OJ 1984 L 132, p. 11), Court of First Instance (Fourth Chamber), composed of: P. Mengozzi, President, V. Tilli and R. M. Moura Ramos, Judges; D. Christensen, Administrator, for the Registrar, has given a judgment on 7 February 2002, in which it:

1. *Dismisses the application;*
2. *Orders the applicant to pay the costs.*

(<sup>1</sup>) OJ C 304 of 29.10.1994.

#### JUDGMENT OF THE COURT OF FIRST INSTANCE

of 7 February 2002

in Case T-193/00: **Bernard Felix v Commission of the European Communities**(<sup>1</sup>)

*(Officials — Open competition — Oral test — Non-inclusion in the reserve list — Consistency of the composition of the selection board — Knowledge of languages)*

(2002/C 118/38)

*(Language of the case: French)*

In Case T-193/00: Bernard Felix, an official of the Commission of the European Communities, residing at Arlon (Belgium), represented by J.-N. Louis and V. Peere, lawyers, with an address for service in Luxembourg, v Commission of the European Communities (Agent: J. Currall) — application for annulment of the decision of the selection board in competition COM/A/12/98 awarding the applicant a lower mark than the minimum required for the oral test and excluding him from the reserve list — the Court of First Instance (Fifth Chamber), composed of: J.D. Cooke, President, and R. Gracia-Valdecasas and P. Lindh, Judges; J. Plingers, Administrator, for the Registrar, has given a judgment on 7 February 2002, in which it:

1. *Annuls the decision of the selection board in competition COM/A/12/98 in so far as it concerns the mark awarded to the applicant for the oral test;*
2. *Orders the Commission to pay the costs.*

(<sup>1</sup>) OJ C 273 of 23.9.2000.

#### ORDER OF THE PRESIDENT OF THE COURT OF FIRST INSTANCE

19 December 2001

in **Joined Cases T-195/01 R and T-207/01 R, Government of Gibraltar v Commission of the European Communities**

*(Proceedings for interim relief — State aid — Decision to initiate a formal investigation procedure — Admissibility — Prima facie case — Urgency — None — Balancing of interests)*

(2002/C 118/39)

*(Language of the Case: English)*

In **Joined Cases T-195/01 R and T-207/01 R, Government of Gibraltar**, represented by A. Sutton, M. Llamas, Barristers, and W. Schuster, lawyer, with an address for service in Luxembourg, against Commission of the European Communities, (Agents: V. Di Bucci and R. Lyal): Application for interim measures in respect of the decisions of the Commission of 11 July 2001, notified to the Government of the United Kingdom by letters SG(2001) D/289755 and SG(2001) D/289757, to initiate the procedure provided for by Article 88(2) EC in respect of alleged State aid granted under Gibraltarian legislation to exempt and qualifying companies respectively, the President of the Court of First Instance made the following order on 19 December 2001, the operative part of which is as follows: