

The applicant finally submits that the Commission should have initiated a formal investigation procedure under Article 88(2) EC given the complexity of the arguments in fact and law raised by the applicant and the economic analysis required.

- (1) Case C-53/00 Ferring [2001] ECR I-9067 and Case C-280/00 Altmark Trans GmbH and Regierungspräsidium Magdeburg, not yet published in the ECR.
- (2) Council Directive 92/49/EEC of 18 June 1992 on the coordination of laws, regulations and administrative provisions relating to direct insurance other than life assurance and amending Directives 73/239/EEC and 88/357/EEC (third non-life insurance Directive) (OJ L 228, p. 1).

- from the failure to examine an unknown number of candidates in the language which they had declared to be their 'principal' language;
- from the failure to examine the applicant in the third language declared by him, and also from the (in his submission) different treatment of the candidates as regards examination of the third language and any further languages known by them;
- from the appointment of further members of the selection board in addition to those initially appointed, after notification of the names of the candidates admitted to the oral examination, from the fact that the selection board included two members appointed by the Staff Committee instead of one, and from the alteration in the composition of the board when the oral examinations were conducted.

Action brought on 18 August 2003 by Georgios Pantoulis against the Commission of the European Communities

(Case T-290/03)

(2003/C 264/56)

(Language of the case: Greek)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 18 August 2003 by Georgios Pantoulis, resident in Brussels (Belgium), represented by Kharisios Tagaras, lawyer.

The applicant claims that the Court should:

- annul the decision of the selection board for Competition COM/A/6/01 — section 02 not to include him on the list of successful candidates in that competition and the defendant's reply of 10 June 2003 by which it rejected his complaint under no R/55/2003, lodged on 10 February 2003, requesting revocation of the selection board;
- order the defendant to pay his costs.

Pleas in law and main arguments

In support of his action, the applicant pleads breaches of the competition notice, of the principles and rules governing the functioning of selection boards, of the principle of equal treatment and of the Staff Regulations (Annex III). In his submission those breaches have arisen:

Action brought on 20 August 2003 by Messe Berlin GmbH against the Office for Harmonisation in the Internal Market (Trade Marks and Designs)

(Case T-292/03)

(2003/C 264/57)

(Language of the case: German)

An action against the Office for Harmonisation in the Internal Market (Trade Marks and Designs) was brought before the Court of First Instance of the European Communities on 20 August 2003 by Messe Berlin GmbH, Berlin, represented by R. Lange and E. Schalast, lawyers.

The applicant claims that the Court should:

- annul the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 5 June 2003 (Case No R 646/2001-2);
- order the defendant Office to pay the costs of the proceedings.

Pleas in law and main arguments

Community trade mark sought: The word mark 'HOMETECH' — application No 1985118