

- II. declare the Commission liable for damages suffered by the applicants to date and pending these proceedings as a result of the Commission's unlawful conduct, including but not limited to its denial of the applicants' request and related adoption of the contested decision, and to compensate the applicants for such damages in the provisional amount of EUR 350 000;
- III. declare the Commission liable for imminent losses and damages foreseeable with sufficient certainty, even if such losses and damages cannot be precisely assessed;
- IV. order the Commission to pay all costs and expenses in these proceedings.

Pleas in law and main arguments:

The applicants seek the partial annulment of Commission Directive 2004/73/EC of 29 April 2004 adapting to technical progress for the twenty-ninth time Council Directive 67/548/EEC on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances⁽¹⁾ insofar as it concerns the classification of n-propyl bromide.

The pleas in law and main arguments invoked in this case are similar to those invoked in case T-422/03, *Enviro Tech Europe and Enviro Tech International against Commission* (OJ 2004 C 47, p. 35).

⁽¹⁾ OJ L 152, p. 1

Action brought on 4 August 2004 by Vladimir Boucek against the Commission of the European Communities

(Case T-318/04)

(2004/C 273/59)

(Language of the case: German)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 4 August 2004 by Vladimir Boucek, residing in Prague (Czech Republic), represented by Libuse Krafftova, lawyer.

The applicant claims that the Court should:

- annul the decision of 29 March 2004 refusing the applicant admittance to the written test of the competition notification of which was given in Official Journal C 120 A/13;

- restore the applicant to the position he was in before the adoption of the decision of 29 March 2004 to refuse him admittance;
- order the defendant to pay the costs.

Pleas in law and main arguments:

The applicant submitted an application for competition EPSO/A/2/03 for the constitution of a reserve list of assistant administrators (A 8) of Czech nationality. According to the competition notice, the application was to be submitted by Internet. By the contested decision the applicant's candidature was refused on the ground that he had not submitted his written application within the time-limit prescribed.

The applicant challenges that decision. He submits that, at the time of publication of the results of the preselection tests and the connected invitation to submit personal documents to the defendant within three weeks, the defendant, exceptionally, sent no notice to the candidates by email, as it had done in all other phases of the competition. Thus that must be considered discontinuous, inconsistent and a serious procedural defect.

The applicant further asserts that, arbitrarily and in disregard of the purpose of the process, some qualified candidates who in the circumstances were unable to comply with the short time-limit imposed were rejected. The fixing of a time-limit of less than three weeks was wholly disproportionate in view of the overall duration of the procedure of nine months. The defendant did not sufficiently appreciate the importance of this phase of the competition and failed to take appropriate measures to make all hitherto successful candidates aware of the time-limit. By so doing, it failed to use its discretion in an appropriate manner.

Action brought on 30 July 2004 by Triantafyllia Dionyssopoulou against the Council of the European Union

(Case T-320/04)

(2004/C 273/60)

(Language of the case: French)

An action against the Council of the European Union was brought before the Court of First Instance of the European Communities on 30 July 2004 by Triantafyllia Dionyssopoulou, residing at Norwich, Norfolk (United Kingdom), represented by Claude Quackels, lawyer.