

2. The Court of First Instance provided no legally persuasive explanation as to why it more or less automatically excludes the lawyers' fees in complaint proceedings before the European mediator from the costs which can be claimed in compensation proceedings. It did not examine the factual and legal substantiation of the need for the involvement of a lawyer in the complaint proceedings brought by the appellant.
3. The examination by the Court of First Instance of the question of the causal connection between the Commission's unlawful conduct and the damage alleged was superficial and the view reached by it was incorrect.
4. The Court of First Instance erred in law in placing reliance on a judgment of the Court in order to substantiate its erroneous assertion that proceedings before the European Ombudsman as a matter of principle do not require a lawyer to be involved. That judgment related to the case of a Commission staff member which fell to be determined in accordance with the criteria under the rules on the employment of staff and had no inherent connection with the present case.

(¹) OJ C 229 of 17. 9. 2005.

Removal from the register of Case C-360/01 (¹)

(2005/C 271/33)

(Language of the case: Italian)

By order of 4 April 2005, the President of the Court of Justice of the European Communities has ordered the removal from the register of Case C-360/01: Italian Republic v Commission and Council of the European Communities.

(¹) OJ C 331 of 24.11.2001.

Removal from the register of Case C-108/04 (¹)

(2005/C 271/34)

(Language of the case: Spanish)

By order of 3 May 2005, the President of the Court of Justice of the European Communities has ordered the removal from the register of Case C-108/04 (Reference for a preliminary ruling from the Tribunal Superior de Justicia): Divina Cortiñas Yáñez v Instituto Nacional de la Seguridad Social (INSS), Tesorería General de la Seguridad Social (TGSS).

(¹) OJ C 94 of 17.4.2004.

Removal from the register of Case C-425/04 (¹)

(2005/C 271/35)

(Language of the case: Italian)

By order of 6 June 2005, the President of the Court of Justice of the European Communities has ordered the removal from the register of Case C-425/04: Commission of the European Communities v Italian Republic.

(¹) OJ C 300 of 04.12.2004.

Removal from the register of Case C-458/04 (¹)

(2005/C 271/36)

(Language of the case: French)

By order of 29 April 2005, the President of the Court of Justice of the European Communities has ordered the removal from the register of Case C-458/04 (Reference for a preliminary ruling from the Tribunal administratif de Caen): Chambre de commerce et d'industrie de Flers-Argentan v Directeur des services fiscaux de la DIRCOFI Quest.

(¹) OJ C 19 of 22.01.2005.