

Pleas in law and main arguments

The applicant disputes the Commission's decision to reject its application to participate in invitation to tender ADMIN/D1/PR/2008/004 regarding language training for staff at the European Union (EU) institutions, bodies and agencies in Brussels (OJ 2008/S 44-060121), on the ground that the application was submitted after the deadline stated in the contract notice.

In support of its action, the applicant submits that the contested decision is based on an incorrect supposition that the awarding authority is required to reject all late applications to participate. The applicant takes the view, on the contrary, that the awarding authority has a margin of discretion in that regard.

Furthermore, the applicant submits that the contested decision is not sufficiently reasoned, since the Commission has not explained why it has not exercised its discretionary powers.

Finally, the applicant raises a plea alleging breach of Article 123 of the implementing rules ⁽¹⁾, according to which the number of candidates invited to tender must be sufficient to ensure genuine competition, and the disproportionate nature of the rejection of the applicant's application.

⁽¹⁾ Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ L 357, p. 1).

Order of the Court of First Instance of 23 May 2008 — FagorBrandt v Commission**(Case T-273/04) ⁽¹⁾**

(2008/C 183/56)

Language of the case: French

The President of the Third Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 251, 9.10.2004.

Order of the Court of First Instance of 5 May 2008 — Rath v OHIM — Sanorell Pharma (Immunocel)**(Case T-368/06) ⁽¹⁾**

(2008/C 183/57)

Language of the case: German

The President of the Eighth Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 56, 10.3.2007.

Order of the Court of First Instance of 2 June 2008 — Avaya v OHIM — ZyXEL Communications (VANTAGE CNM)**(Case T-171/07) ⁽¹⁾**

(2008/C 183/58)

Language of the case: English

The President of the First Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 170, 21.7.2007.

Order of the Court of First Instance of 9 June 2008 — Malheiro v Commission**(Case T-228/07) ⁽¹⁾**

(2008/C 183/59)

Language of the case: English

The President of the Fourth Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 24, 8.9.2007.