

Case T-30/96

José Gomes de Sá Pereira **v** **Council of the European Union**

(Council decisions appointing the chairmen and members of the boards of appeal of the Office for Harmonization in the Internal Market (trade marks and designs) —
Action for annulment — Action for damages — Inadmissibility)

Order of the Court of First Instance (Third Chamber), 11 July 1996 II - 787

Summary of the Order

Officials — Actions — Right to bring proceedings — Persons claiming the status of official or of servant other than local servant — Candidate for a post of chairman or member of the boards of appeal of the Office for Harmonization in the Internal Market
(EC Treaty, Art. 179; Staff Regulations, Arts 90 and 91)

Article 179 of the Treaty, which confers on the Community judicature jurisdiction in any dispute between the Community and its servants within the limits and under the conditions laid down in the Staff Regulations or the Conditions of Employment of Other

Servants, must be construed as applying not only to persons who have the status of official or of servant other than local servant but also to persons claiming that status. Articles 90 and 91 of the Staff Regulations, concerning appeals, apply not only to those who are officials but also to candidates for a post.

Where a candidate for a post of chairman or member of the boards of appeal of the Office for Harmonization in the Internal Market brings proceedings, his action must therefore be based on Article 91 of the Staff Regulations in so far as the dispute concerns his participation in the selection procedure, and not on Article 173 of the Treaty, which does not apply in such a case.