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(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Request for a preliminary ruling from the Tribunal Superior de Justicia de Cataluña (Spain) lodged on 2 August 2016 — Carolina Minayo Luque v Quitxalla Stars, S.L., and Fondo de Garantía Salarial

(Case C-432/16)

(2016/C 410/02)

Language of the case: Spanish

Referring court

Tribunal Superior de Justicia de Cataluña

Parties to the main proceedings

Applicant: Carolina Minayo Luque

Defendants: Quitxalla Stars, S.L., and Fondo de Garantía Salarial

Questions referred

1. On a proper construction of Article 10(1) of Directive 92/85/EEC, ([1]) must the concept of '*exceptional cases not connected with their condition which are permitted under national legislation and/or practice*', constituting an exception to the prohibition of dismissing pregnant workers, be understood to have been complied with by merely providing proof of the objective economic, technical, organisational or productive reasons, as defined in Article 51(1) of the Workers' Statute, referred to in Article 52(c) of that statute?

2. In the event of an objective individual dismissal for economic, technical, organisational or productive reasons, is there a requirement, in order to decide whether exceptional cases exist that justify the dismissal of pregnant workers and workers who have recently given birth or are breastfeeding, in accordance with Article 10(1) of Directive 92/85/EEC, that the worker affected cannot be reassigned to another work post, or that there are no other workers in similar posts who may be affected, or is it sufficient that proof should be given of economic, technical and productive reasons that affect her work post?

3. Is legislation, such as the Spanish legislation transposing the prohibition on the dismissal of pregnant workers and workers who have recently given birth or are breastfeeding by providing a guarantee by virtue of which, failing any proof of reasons justifying her dismissal, the dismissal is declared void (reparative protection), but does not lay down a prohibition of dismissal (preventive protection), compatible with Article 10(1) of Directive 92/85/EEC, which lays down that prohibition?

4. Is national legislation, such as the Spanish legislation, which does not provide for priority for retention in the undertaking, in the event of objective individual dismissal for economic, technical, organisational or productive reasons, for pregnant workers and workers who have recently given birth or are breastfeeding, compatible with Article 10(1) of Directive 92/85/EEC?

5. For the purposes of Article 10(2) of Directive 92/85/EEC, is national legislation compatible with this provision if it treats as sufficient a letter of dismissal, like that in the present proceedings, which makes no reference whatsoever to the existence of any exceptional grounds, nor to the criteria which justify selecting the worker, notwithstanding her state of pregnancy?

([1]) Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) (OJ 1992 L 348, p. 1).

Request for a preliminary ruling from the Corte suprema di cassazione (Italy) lodged on 3 August 2016 — Bayerische Motoren Werke AG v Acacia S.r.l.

(Case C-433/16)

(2016/C 410/03)

Language of the case: Italian

Referring court

Corte suprema di cassazione

Parties to the main proceedings

Appellant: Bayerische Motoren Werke AG

Respondent: Acacia S.r.l.

Questions referred

1. Under Article 24 of Regulation No 44/2001, can an action to contest the jurisdiction of the national court seised that is brought before that court as a preliminary matter but in the alternative to other preliminary procedural objections and nevertheless before issues of substance are raised be interpreted as acceptance of the jurisdiction of that court?

2. Must the absence of provision in Article 82[(5)] of Regulation No 6/2002 for alternative jurisdictions to that of the defendant as stipulated in Article 82(1) of that regulation for cases relating to negative declarations be interpreted as implying the attribution of exclusive jurisdiction for such cases?

3. Is it also necessary, in order to resolve the question posed in [the preceding] paragraph …, to take account of the interpretation of the rules on exclusive jurisdiction in Regulation No 44/2001, and in particular in Article 22, which provides for such jurisdiction, inter alia in proceedings concerned with the registration or validity of patents, trade marks and designs but not in cases regarding negative declarations, and in Article 24, which provides for the possibility that the defendant may accept a different jurisdiction, except where jurisdiction is derived from other provisions of the regulation, thereby establishing the jurisdiction of the court seised by the applicant?

4. Is the approach adopted by the Court of Justice in the judgment of 25 October 2012 in *Folien Fischer* and *Fofitec*, C-133/11, EU:C:2012:664, with regard to the applicability of Article 5(3) of Regulation No 44/2001 of a general and absolute nature applicable to every action for a negative declaration seeking to establish the absence of liability in tort, delict, or quasi-delict, including those for a declaration of non-infringement of Community designs, and hence in the present case is it the court referred to in Article 81 of Regulation No 6/2002 or that referred to in Article 5(3) of Regulation No 44/2001 that has jurisdiction, or may the applicant opt for one or other of the possible jurisdictions?

5. If actions for abuse of a dominant position and unfair competition are brought in the context of a case concerning Community designs with which they are connected, in that their admissibility presupposes prior admissibility of the application for a negative declaration, can they be heard together with that case by the same court in accordance with a broad interpretation of Article 28(3) of Regulation No 44/2001?

6. Do the two actions referred to in [the preceding] paragraph … constitute a case of tort, delict or quasi-delict, and, if so, may they affect the applicability of Regulation No 44/2001 (Article 5(3)) or of Regulation No [6/2002] to the present case as regards jurisdiction?

Request for a preliminary ruling from the Juzgado de lo Contencioso-Administrativo de Madrid (Spain) lodged on 8 August 2016 — Francisco Rodrigo Sanz v Universidad Politécnica de Madrid

(Case C-443/16)

(2016/C 410/04)

Language of the case: Spanish

Referring court

Juzgado de lo Contencioso-Administrativo de Madrid

Parties to the main proceedings

Applicant: Francisco Rodrigo Sanz

Defendant: Universidad Politécnica de Madrid

Questions referred

1. Must clause 4 of the Framework Agreement annexed to Directive 1999/70/EC ([1]) be construed as precluding rules such as those described from allowing a reduction in working hours solely because the person involved is an interim civil servant [(*funcionario interino* (person appointed to a civil service post on a temporary basis))]?

   If the answer is in the affirmative:

   Can the economic situation, which makes a reduction in expenditure necessary, and which has been compelled by the reduction in the budget appropriation, be regarded as an objective ground which justifies this difference in treatment?

   Can the administration's prerogative to organise itself be regarded as an objective ground which justifies this difference in treatment?

2. Must clause 4 of the Framework Agreement annexed to Directive 1999/70/EC be construed to the effect that the administration's prerogative to organise itself is, always and in any event, limited by the obligation not to discriminate against or to treat differently employees in its service, irrespective of whether they are classified as career civil servants, or interim, casual or temporary civil servants?

3. Can the interpretation and application of point 3 of the second additional provision ('College Lecturers and their integration with University Lecturers') of Basic Law 4/2007 of 12 April 2007, amending Basic Law 6/2001 of 21 December 2001 relating to Universities (Ley Orgánica 4/2007, de 12 de abril, por la que se modifica la Ley Orgánica 6/2001, de 21 de diciembre, de Universidades), be construed as being contrary to clause 4 of the Framework Agreement annexed to Directive 1999/70/EC in so far as, in the process for college lecturers joining the body of university lecturers, college lecturers [appointed on a permanent basis] are allowed to retain all their rights and their full capacity to teach, even though they do not have a doctorate degree, while this is not allowed for interim college lecturers?

4. In so far as the requirement for a doctorate degree is the objective justification claimed for interim college lecturers without such a degree having their working hours reduced to 50 %, which does not, however, apply to non-interim college lecturers who do not have a doctorate degree either, can this be construed as discriminatory and therefore contrary to clause 4 of the Framework Agreement annexed to Directive 1999/70/EC?

(1) Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP (OJ 1999 L 175, p. 43).

Request for a preliminary ruling from the Cour d'appel de Mons (Belgium) lodged on 8 August 2016 — Immo Chiaradia SPRL v The Belgian State

(Case C-444/16)

(2016/C 410/05)

Language of the case: French

Referring court

Cour d'appel de Mons

Parties to the main proceedings

Applicant: Immo Chiaradia SPRL

Defendant: The Belgian State

Question referred

'Is the fact that a company issuing a share option may record as income the purchase price of that option in the course of the financial year in which that option is taken up or at the end of its period of validity, in order to take into account the risk borne by the option issuer which results from the commitment he makes, [rather than] in the course of the tax year in which the option is purchased and its final price set — the risk borne by the issuer being valued separately by the recording of a provision — compatible with the accounting rules concerning balance sheets laid down by the Fourth Council Directive 78/660/EEC of 25 July 1978 on the annual accounts of certain types of companies (OJ L 222, 14.08.1978, p. 11), according to which:

— the annual accounts are to give a true and fair view of the company's assets, liabilities, financial position and profit or loss (Article 2(3) of the Directive);

— provisions for liabilities and charges are intended to cover losses or debts the nature of which is clearly defined and which at the date of the balance sheet are either likely to be incurred, or certain to be incurred but uncertain as to amount or as to the date on which they will arise (Article 20(1) of the Directive);

— the principle of prudence must in all circumstances be observed, and in particular:

  — only profits made at the balance sheet date may be included;

  — account must be taken of all foreseeable liabilities and potential losses arising in the course of the financial year concerned or of a previous one, even if such liabilities or losses become apparent only between the date of the balance sheet and the date on which it is drawn up (Article 31(1) (c), (aa) and (bb) of the Directive);

— account must be taken of income and charges relating to the financial year, irrespective of the date of receipt or payment of such income or charges (Article 31(1)(d) of the Directive);

— the components of asset and liability items are to be valued separately (Article 31(1)(e) of the Directive);

…?'

Request for a preliminary ruling from the Cour d'appel de Mons (Belgium) lodged on 8 August 2016 — Docteur De Bruyne SPRL v The Belgian State

(Case C-445/16)

(2016/C 410/06)

Language of the case: French

Referring court

Cour d'appel de Mons

Parties to the main proceedings

Applicant: Docteur De Bruyne SPRL

Defendant: The Belgian State

Question referred

'Is the fact that a company issuing a share option may record as income the purchase price of that option in the course of the financial year in which that option is taken up or at the end of its period of validity in order to take into account the risk borne by the option issuer which results from the commitment he makes, [rather than] in the course of the tax year in which the option is purchased and its final price set — the risk borne by the issuer being valued separately by the recording of a provision — compatible with the accounting rules concerning balance sheets laid down by the Fourth Council Directive 78/660/EEC of 25 July 1978 on the annual accounts of certain types of companies (OJ L 222, 14.08.1978, p. 11), according to which:

— the annual accounts are to give a true and fair view of the company's assets, liabilities, financial position and profit or loss (Article 2(3) of the Directive);

— provisions for liabilities and charges are intended to cover losses or debts the nature of which is clearly defined and which at the date of the balance sheet are either likely to be incurred, or certain to be incurred but uncertain as to amount or as to the date on which they will arise (Article 20(1) of the Directive);

— the principle of prudence must in all circumstances be observed, and in particular:

  — only profits made at the balance sheet date may be included;

  — account must be taken of all foreseeable liabilities and potential losses arising in the course of the financial year concerned or of a previous one, even if such liabilities or losses become apparent only between the date of the balance sheet and the date on which it is drawn up (Article 31(1) (c), (aa) and (bb) of the Directive);

— account must be taken of income and charges relating to the financial year, irrespective of the date of receipt or payment of such income or charges (Article 31(1)(d) of the Directive);

— the components of asset and liability items are to be valued separately (Article 31(1)(e) of the Directive);

…?'

Appeal brought on 9 August 2016 by Kohrener Landmolkerei GmbH and DHG Deutsche Heumilchgesellschaft mbH against the order of the General Court (Sixth Chamber) made on 8 June 2016 in Case T–178/15, Kohrener Landmolkerei and DHG v Commission

(Case C-446/16 P)

(2016/C 410/07)

Language of the case: German

Parties

Appellants: Kohrener Landmolkerei GmbH and DHG Deutsche Heumilchgesellschaft mbH (represented by: A. Wagner, lawyer)

Other party to the proceedings: European Commission

Form of order sought

The appellants claim that the Court should:

— set aside the order of the General Court of 8 June 2016 and find against the respondent;

— declare admissible the appellants' notice of opposition of 23 December 2014 in procedure AT-TSG-0007-01035.

Grounds of appeal and main arguments

In the order under appeal, the General Court took the view that the appellants' arguments related only to the late transmission of the notice of opposition by the national authority. The appellants, however, state that they also claimed that they were placed at a disadvantage by the stipulation in the second subparagraph of Article 51(1) of Regulation No 1151/2012 ([1]) and that that provision is unlawful because it does not contain any rule on the period within which the national authority had to transmit the appellants' notice of opposition to the respondent. In that regard, the appellants referred to a flaw in that provision resulting in a situation in which, in the worst-case scenario, they would be unable to lodge a notice of opposition at all. The General Court did not rule on that issue.

In the order presently under appeal, the General Court held only that the appellants had not adequately invoked the unlawfulness of that provision. However, the appellants had already referred in their application to the issue of the incorrect determination of the period in the second subparagraph of Article 51(1) of Regulation No 1151/2012. This means that the appellants did object to the rule laid down by the aforementioned provision and proceeded on the basis that their rights as opposing parties had not been adequately respected.

([1]) Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural foodstuffs (OJ 2012 L 343, p. 1).

Request for a preliminary ruling from the Corte d'appello di Genova (Italy) lodged on 11 August 2016 — Kerly Del Rosario Martinez Silva v Istituto nazionale della previdenza sociale (INPS), Comune di Genova

(Case C-449/16)

(2016/C 410/08)

Language of the case: Italian

Referring court

Corte d'appello di Genova

Parties to the main proceedings

Applicant: Kerly Del Rosario Martinez Silva

Defendants: Istituto nazionale della previdenza sociale (INPS), Comune di Genova

Questions referred

1) Does a benefit such as that provided for in Article 65 of Law No 448/1998, known as *'assegno ai nuclei familiari con almeno tre figli minori'* (allowance for households with at least three minor children), constitute a family benefit within the meaning of Article 3(1)(j) of Regulation (EC) No 883/2004? ([1])

2) If the answer to the first question is in the affirmative, does the principle of equal treatment laid down in Article 12(1)(e) of Directive 2011/98/EU ([2]) preclude legislation, such as the Italian legislation at issue, under which a third-country worker in possession of a 'single work permit' (which is valid for a period of more than six months) is not eligible for the '*assegno per i nuclei familiari con almeno tre figli minori*', even though she lives with three or more minor children and her income is below the statutory limit?

([1]) Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ 2004 L 166, p. 1).

([2]) Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State (OJ 2011 L 343, p. 1).

Request for a preliminary ruling from the Hoge Raad der Nederlanden (Netherlands) lodged on 17 August 2016 — Stadion Amsterdam CV; other party: Staatssecretaris van Financiën

(Case C-463/16)

(2016/C 410/09)

Language of the case: Dutch

Referring court

Hoge Raad der Nederlanden

Parties to the main proceedings

Appellant: Stadion Amsterdam CV

Other party: Staatssecretaris van Financiën

Question referred

Must Article 12(3)(a) of the Sixth Directive ([1]) be interpreted as meaning that where a service, which for VAT purposes constitutes one single service, comprises two or more concrete and specific constituent elements to which, if they had been provided as separate services, different VAT rates would apply, the levying of VAT in respect of that composite service should take place according to the separate rates applicable to those elements if the fee for the service can be split in correct proportion to those constituent elements?

([1]) Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment (OJ 1977 L 145, p. 1).

Action brought on 9 September 2016 — European Commission v Grand Duchy of Luxembourg

(Case C-489/16)

(2016/C 410/10)

Language of the case: French

Parties

Applicant: European Commission (represented by: J. Hottiaux and G. von Rintelen, acting as Agents)

Defendant: Grand Duchy of Luxembourg

Form of order sought

The applicant claims that the Court should:

— declare that, by not adopting, by 16 June 2015 at the latest, the laws, regulations and administrative provisions necessary to ensure compliance with Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (OJ L 343 of 14.12.2012, p. 32) or, in any event, by not notifying those provisions to the Commission, the Grand Duchy of Luxembourg has failed to fulfil its obligations under the first subparagraph of Article 64(1) of that directive;

— impose on the Grand Duchy of Luxembourg, in accordance with Article 260(3) TFEU, a penalty payment of EUR 8 710 per day from the date of delivery of the judgment in the present case for failure to fulfil the obligation to communicate the measures transposing Directive 2012/34/EU;

— order the Grand Duchy of Luxembourg to pay the costs.

Pleas in law and main arguments

The period prescribed for the transposition of the directive expired on 16 June 2015.

It is apparent from the various replies of the Grand Duchy of Luxembourg, in particular from the reply to the reasoned opinion, that more than one year after the expiry of the transposition period set by the directive the Grand Duchy of Luxembourg had not yet adopted the required measures.

The determination of the penalty under Article 260(3) TFEU is based on the three criteria applied under Article 260(2) TFEU, namely the seriousness of the infringement, its duration, and the need to ensure that the penalty has a deterrent effect in order to avoid further infringements.

GENERAL COURT

Judgment of the General Court of 28 September 2016 — Klein v Commission

(Case T-309/10 RENV) ([1])

(Non-contractual liability — Directive 93/42/EEC — Harmonised system for the safety and health protection of patients, users and, where appropriate, other persons, with regard to the use of medical devices — Article 8 — Notification of a decision prohibiting placing on the market — No position adopted by the Commission — Article 18 — Wrongful CE marking — Harm — Sufficiently serious breach of a rule of law conferring rights on individuals — Causal link)

(2016/C 410/11)

Language of the case: German

Parties

Applicant: Christoph Klein (Großgmain, Austria) (represented initially by: H.-J. Ahlt and M. Ahlt, and subsequently by: H.-J. Ahlt, lawyers)

Defendant: Commission (represented by: A. Sipos and G. von Rintelen, acting as Agents, and C. Winkler, lawyer)

Intervener in support of the defendant: Federal Republic of Germany (represented by: T. Henze and J. Möller, acting as Agents)

Re:

Application on the basis of Article 268 TFEU seeking compensation for the harm allegedly suffered by the applicant as a result of the breach by the Commission of its obligations under Article 8 of Council Directive 93/42/EEC of 14 June 1993 concerning medical devices (OJ 1993 L 169, p. 1).

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Mr Christoph Klein, the European Commission and the Federal Republic of Germany to bear their own costs.*

([1]) OJ C 347, 26.11.2011.

Judgment of the General Court of 21 September 2016 — Secolux v Commission

(Case T-363/14) ([1])

(Access to documents — Regulation (EC) No 1049/2001 — Documents relating to a call for tenders for a public services contract — Refusal of access — Exception relating to the privacy and integrity of the individual — Exception relating to the protection of commercial interests — Exception relating to the protection of the decision-making process — Partial access — Overriding public interest — Obligation to state reasons)

(2016/C 410/12)

Language of the case: French

Parties

Applicant: Secolux, Association pour le contrôle de la sécurité de la construction (Capellen, Luxembourg) (represented by: N. Prüm-Carré and E. Billot, lawyers)

Defendant: European Commission (represented by: A. Buchet and M. Konstantinidis, acting as Agents)

Re:

Action pursuant to Article 263 TFEU for annulment of the Commission's decisions of 1 and 14 April 2014 refusing to grant the applicant full access to certain documents relating to a call for tenders under reference number 02/2013/OIL and to safety checks to be carried out in various buildings in Luxembourg (OJ 2013/S 156-271471).

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Secolux, Association pour le contrôle de la sécurité de la construction, to pay the costs.*

([1]) OJ C 253, 4.8.2014.

Judgment of the General Court of 22 September 2016 — Tose'e Ta'avon Bank v Council

(Case T-435/14) ([1])

(Common foreign and security policy — Restrictive measures against Iran with the aim of preventing nuclear proliferation — Freezing of funds — Plea of illegality — Conferral of an implementing power on the Council — Criterion directed at the entities providing support to the Iranian Government — Error of law — Error of fact — Obligation to state reasons — Proportionality — Fundamental rights)

(2016/C 410/13)

Language of the case: French

Parties

Applicant: Tose'e Ta'avon Bank (Teheran, Iran) (represented by: J.-M. Thouvenin, lawyer)

Defendant: Council of the European Union (represented by: A. Vitro and M. Bishop, acting as Agents)

Re:

Application under Article 263 TFEU for annulment of the decision of the Council of the European Union to maintain the applicant's name on the list in Annex II to Council Decision 2010/413/CFSP of 26 July 2010 concerning restrictive measures against Iran and repealing Common Position 2007/140/CFSP (OJ 2010 L 195, p. 39) and on the list in Annex IX to Council Regulation (EU) No 267/2012 of 23 March 2012 concerning restrictive measures against Iran and repealing Regulation (EU) No 961/2010 (OJ 2012 L 88, p. 1), as set out in a notice of 15 March 2014.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Tose'e Ta'avon Bank to pay the costs.*

([1]) OJ C 253, 4.8.2014.

Judgment of the General Court of 28 September 2016 — United Kingdom v Commission

(Case T-437/14) ([1])

(EAGGF, Guarantee Section — EAGF and EAFRD — Expenditure excluded from financing — Integrated administration and control system — Reductions and exclusions where the rules on cross-compliance are not observed — Flat-rate financial correction imposed by the Commission in accordance with internal guidelines — Burden of proof — Interpretation of Annexe II to Regulation (EC) No 73/2009)

(2016/C 410/14)

Language of the case: English

Parties

Applicant: United Kingdom of Great Britain and Northern Ireland (represented by: M. Holt and J. Kraehling, acting as Agents, and V. Wakefield, Barrister)

Defendant: European Commission (represented by: K. Skelly and D. Triantafyllou, acting as Agents)

Intervener in support of the applicant: Kingdom of the Netherlands (represented by: M. Bulterman and B. Koopman, acting as Agents)

Re:

Application based on Article 263 TFEU for the annulment of nine entries from the Annex to Commission Implementing Decision 2014/191/EU of 4 April 2014 excluding from European Union financing certain expenditure incurred by the Member States under the Guarantee Section of European Agricultural Guidance and Guarantee Fund (EAGGF), under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD) (OJ 2014 L 104, p. 43), insofar as concerns the item, in the Annex to the decision, relating to the financial corrections applied to expenditure incurred by the United Kingdom of Great Britain and Northern Ireland in Scotland during the financial years 2008, 2009 and 2010 totalling EUR 5 606 459,48 because that expenditure did not comply with EU rules.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders the United Kingdom of Great Britain and Northern Ireland to bear its own costs and to pay the costs incurred by the European Commission;*

3. *Orders the Kingdom of the Netherlands to bear its own costs.*

([1]) OJ C 282, 25.8.2014.

Judgment of the General Court of 22 September 2016 — Intercon v Commission

(Case T-632/14) ([1])

(Arbitration clause — Seventh Framework Programme for research, technological development and demonstration activities (2007-2013) — Commission decision to require repayment of the sums paid to the applicant — Contractual nature of the dispute — Article 44(1)(c) and Article 44(5a) of the Rules of Procedure of the General Court of 2 May 1991 — Admissibility — Scope of the audit — Documents and observations made after expiry of the prescribed periods)

(2016/C 410/15)

Language of the case: Polish

Parties

Applicant: Intercon Sp. z o.o. (Łódź, Poland) (represented by: B. Eger, lawyer)

Defendant: European Commission (represented by: K. Herbout-Borczak and S. Lejeune, acting as Agents)

Re:

Principally, application based on Article 272 TFEU and seeking a declaration that the Commission infringed the provisions of the grant agreement No 224635 relating to financing the project ARTreat, and annulment of the Commission's letter of 28 July 2014 informing the applicant, on the basis of an audit carried out by it, of the recovery of a sum of EUR 258 479,21 which had been unduly paid to the applicant as an EU financial contribution and, alternatively, application based on Article 272 TFEU and seeking a declaration that the sums paid corresponded to eligible expenditure and need not, therefore, be repaid.

Operative part of the judgment

The Court:

1) *Dismisses the action;*

2) *Orders Intercon sp. z o.o. to bear, in addition to its own costs, the costs incurred by the European Commission.*

([1]) OJ C 380, 27.10.2014.

Judgment of the General Court of 22 September 2016 — Intercon v Commission

(Case T-206/15) ([1])

(Arbitration clause — Seventh Framework Programme for research, technological development and demonstration activities (2007-2013) — Grant agreement relating to the project 'Virtual Pathological Heart of the Virtual Physiological Human' — Commission decision to require repayment of a part of the sums paid — Inadmissibility — Article 44(1)(c) of the Rules of Procedure of the General Court of 2 May 1991 — Documents and observations made after expiry of the prescribed periods)

(2016/C 410/16)

Language of the case: Polish

Parties

Applicant: Intercon Sp. z o.o. (Łódź, Poland) (represented by: B. Eger, lawyer)

Defendant: European Commission (represented by: K. Herbout-Borczak and S. Lejeune, acting as Agents)

Re:

Application based on Article 272 TFEU and seeking a declaration, first, that the Commission infringed the provisions of the grant agreement No 224635 relating to financing the project 'Virtual Pathological Heart of the Virtual Physiological Human (VPH2)', and, second, that the sums paid by way of the EU financial contribution corresponded to eligible expenditure and that the amount of EUR 70 620 demanded from the applicant by the Commission's letter of 28 January 2015 and the debit note attached as an Annex need not, therefore, be repaid.

Operative part of the judgment

The Court:

1) *Dismisses the action;*

2) *Orders Intercon sp. z o.o. to bear, in addition to its own costs, the costs incurred by the European Commission.*

([1]) OJ C 221, 6.7.2015.

Judgment of the General Court of 22 September 2016 — Grupo de originación y análisis v EUIPO — Bankinter (BK PARTNERS)

(Case T-228/15) ([1])

(EU trade mark — Opposition proceedings — Application for EU figurative mark BK PARTNERS — Earlier national word and figurative mark bk. — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2016/C 410/17)

Language of the case: Spanish

Parties

Applicant: Grupo de originacion y análisis, SL (Madrid, Spain) (represented by: A. Burgueño Minguela and H. Pequerul Palenciano, lawyers)

Defendant: European Union Intellectual Property Office (represented by: B. Uriarte Valiente and J. Crespo Carrillo, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Bankinter, SA (Madrid) (represented by: A. Gómez López, lawyer)

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 5 March 2015 (Case R 1329/2014-1), relating to opposition proceedings between Bankinter and Grupo de originación y análisis.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Grupo de originación y análisis, SL to pay the costs.*

([1]) OJ C 213, 29.6.2015.

Judgment of the General Court of 22 September 2016 — Łabowicz v EUIPO — Pure Fishing (NANO)

(Case T-237/15) ([1])

(EU trade mark — Invalidity proceedings — EU figurative mark NANO — Absolute ground for refusal — Descriptiveness — Article 7(1)(c) of Regulation (EC) No 207/2009 — Article 52(1) and (2) of Regulation No 207/2009)

(2016/C 410/18)

Language of the case: English

Parties

Applicant: Edward Łabowicz (Kłodzko, Poland) (represented by: M. Żygadło, lawyer)

Defendant: European Union Intellectual Property Office (represented by: L. Rampini, acting as Agent)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Pure Fishing, Inc. (Spirit Lake, Iowa, United States) (represented by: J. Dickerson, Solicitor)

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 5 March 2015 (Case R 2426/2013-1), relating to invalidity proceedings between Pure Fishing and Mr Łabowicz

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Mr Edward Łabowicz to pay the costs.*

(1) OJ C 228, 13.7.2015.

Judgment of the General Court of 28 September 2016 — Lacamanda Group v EUIPO — Woolley (HENLEY)

(Case T-362/15) (1)

(EU trade mark — Invalidity proceedings — EU word mark HENLEY — Earlier United Kingdom and EU word marks HENLEYS — Article 8(5) of Regulation (EC) No 207/2009 — Taking unfair advantage of the distinctive character or the repute of the earlier mark)

(2016/C 410/19)

Language of the case: English

Parties

Applicant: The Lacamanda Group Ltd (Manchester, United Kingdom) (represented by: C. Scott, Barrister)

Defendant: European Union Intellectual Property Office (represented by: H. O'Neill, Agent)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Nigel Woolley (Braceborough, United Kingdom) (represented by: S. Malynicz, Barrister)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 24 April 2015 (Case R 2255/2012-4), relating to invalidity proceedings between The Lacamanda Group and Nigel Woolley.

Operative part of the judgment

The Court:

1. *Annuls the decision of the Fourth Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 24 April 2015 (Case R 2255/2012-4);*

2. *Orders EUIPO to bear its own costs and to pay those of The Lacamanda Group Ltd;*

3. *Orders Mr Nigel Woolley to bear his own costs.*

(1) OJ C 294, 7.9.2015.

Judgment of the General Court of 28 September 2016 — Pinto Eliseu Baptista Lopes Canhoto v EUIPO — University College London (CITRUS SATURDAY)

(Case T-400/15) (1)

(EU trade mark — Opposition proceedings — Application for EU word mark CITRUS SATURDAY — Earlier national word mark CITRUS — Late submission of documents — Discretion conferred by Article 76(2) of Regulation (EC) No 207/2009 — Rule 19 and Rule 20(1) of Regulation (EC) No 2868/95)

(2016/C 410/20)

Language of the case: English

Parties

Applicant: Ana Isabel Pinto Eliseu Baptista Lopes Canhoto (Algés, Portugal) (represented by: A. Pita Negrão, lawyer)

Defendant: European Union Intellectual Property Office (represented by: H. O'Neill, acting as Agent)

Other party to the proceedings before the Board of Appeal of EUIPO: University College London (London, United Kingdom)

Re:

Action brought against the decision of the Second Board of Appeal of EUIPO of 29 April 2015 (Case R 2109/2014-2), relating to opposition proceedings between Ms Pinto Eliseu Baptista Lopes Canhoto and University College London.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Ana Isabel Pinto Eliseu Baptista Lopes Canhoto to pay the costs.*

([1]) OJ C 320, 28.9.2015.

Judgment of the General Court of 27 September 2016 — Satkirit Holdings v EUIPO — Advanced Mailing Solutions (luvo)

(Case T-449/15) ([1])

(EU trade mark — Opposition proceedings — Application for the EU word mark luvo — Earlier EU work mark luvo — Relative ground for refusal — Likelihood of confusion — Similarity of the goods and services — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2016/C 410/21)

Language of the case: English

Parties

Applicant: Satkirit Holdings Ltd (Douglas, Isle of Man) (represented by: M. Vanhegan, Barrister)

Defendant: European Union Intellectual Property Office (represented by: E. Sliwinska and J. Crespo Carrillo, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO: Advanced Mailing Solutions Ltd (East Kilbride, United Kingdom)

Re:

Action brought against the decision of the Second Board of Appeal of EUIPO of 21 May 2015 (Case R 877/2014-2), relating to opposition proceedings between Advanced Mailing Solutions and Satkirit Holdings

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Satkirit Holdings Ltd to pay the costs.*

([1]) OJ C 320, 28.9.2015.

Judgment of the General Court of 27 September 2016 — Satkirit Holdings v EUIPO — Advanced Mailing Solutions (luvoworld)

(Case T-450/15) ([1])

(EU trade mark — Opposition proceedings — Application for the EU word mark luvoworld — Earlier EU work mark luvo — Relative ground for refusal — Likelihood of confusion — Similarity of the goods and services — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2016/C 410/22)

Language of the case: English

Parties

Applicant: Satkirit Holdings Ltd (Douglas, Isle of Man) (represented by: M. Vanhegan, Barrister)

Defendant: European Union Intellectual Property Office (represented by: E. Sliwinska and J. Crespo Carrillo, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO: Advanced Mailing Solutions Ltd (East Kilbride, United Kingdom)

Re:

Action brought against the decision of the Second Board of Appeal of EUIPO of 21 May 2015 (Case R 1480/2014-2), relating to opposition proceedings between Advanced Mailing Solutions and Satkirit Holdings.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Satkirit Holdings Ltd to pay the costs.*

([1]) OJ C 320, 28.9.2015.

Judgment of the General Court of 28 September 2016 — European Food v EUIPO — Société des produits Nestlé (FITNESS)

(Case T-476/15) ([1])

(EU trade mark — Invalidity proceedings — EU word mark FITNESS — Absolute grounds for refusal — No distinctive character — Descriptive character — Article 7(1)(b) and (c), Article 52(1)(a) and Article 76 of Regulation (EC) No 207/2009 — Rule 37(b)(iv) and Rule 50(1) of Regulation (EC) No 2868/95 — Production of evidence for the first time before the Board of Appeal)

(2016/C 410/23)

Language of the case: English

Parties

Applicant: European Food SA (Drăgănești, Romania) (represented by: I. Speciac, lawyer)

Defendant: European Union Intellectual Property Office (represented by: M. Rajh, acting as Agent)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Société des produits Nestlé SA (Vevey, Switzerland) (represented by: A. Jaeger-Lenz, A. Lambrecht and S. Cobet-Nüse, lawyers)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 19 June 2015 (Case R 2542/2013-4), relating to invalidity proceedings between European Food and Société des produits Nestlé.

Operative part of the judgment

The Court:

1. *Annuls the decision of the Fourth Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 19 June 2015 (Case R 2542/2013-4), relating to invalidity proceedings between European Food SA and Société des produits Nestlé SA;*

2. *Orders EUIPO to bear its own costs and to pay those incurred by European Food;*

3. *Orders Société des produits Nestlé to bear its own costs.*

([1]) OJ C 337, 12.10.2015.

Judgment of the General Court of 22 September 2016 — Sun Cali v EUIPO — Abercrombie & Fitch Europe (SUN CALI)

(Case T-512/15) ([1])

(EU trade mark — Invalidity proceedings — EU figurative mark SUN CALI — Earlier national figurative mark CaLi co — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) and Article 53 (1)(a) of Regulation (EC) No 207/2009 — Representation before the Board of Appeal — Real and effective industrial or commercial establishment in the European Union — Legal persons with economic connections — Article 92(3) of Regulation No 207/2009)

(2016/C 410/24)

Language of the case: English

Parties

Applicant: Sun Cali, Inc. (Denver, Colorado, United States) (represented by: C. Thomas, lawyer)

Defendant: European Union Intellectual Property Office (represented by: E. Zaera Cuadrado, acting as Agent)

Other party to the proceedings before the Board of Appeal of EUIPO: Abercrombie & Fitch Europe SA (Mendrisio, Switzerland)

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 3 June 2015 (Joined Cases R 1260/2014-5 and R 1281/2014-5), relating to invalidity proceedings between Abercrombie & Fitch Europe and Sun Cali.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Sun Cali, Inc. to pay the costs.*

([1]) OJ C 354, 26.10.2015.

Judgment of the General Court of 28 September 2016 — LLR-G5 v EUIPO Glycan Finance (SILICIUM ORGANIQUE G5 LLR-G5)

(Case T-539/15) ([1])

(EU trade mark — Opposition proceedings — Application for figurative EU trade mark SILICIUM ORGANIQUE G5 LLR-G5 — Earlier international word marks Silicium Organique G5- Glycan 5-Si-Glycan-5-Si-G5 and Silicium Organique G5 — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2016/C 410/25)

Language of the case: English

Parties

Applicant: LLR-G5 Ltd (Castlebar, Ireland) (represented by: A. von Mühlendahl and H. Hartwig, lawyers)

Defendant: European Union Intellectual Property Office (represented by: A. Folliard-Monguiral, acting as Agent)

Other party to the proceedings before the Board of Appeal of EUIPO: Glycan Finance Corp. Ltd (Sheffield, United Kingdom)

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 11 June 2015 (Case R 291/2014-1), relating to opposition proceedings between Glycan Finance Corp. and LLR-G5.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders LLR-G5 Ltd to pay the costs.*

([1]) OJ C 381, 16.11.2015.

Judgment of the General Court of 22 September 2016 — Weissenfels v Parliament

(Case T-684/15 P) ([1])

(Appeal — Civil service — Officials — Non-contractual liability — Impartiality on the part of the Civil Service Tribunal — Personal data)

(2016/C 410/26)

Language of the case: German

Parties

Appellant: Roderich Weissenfels (Freiburg im Breisgau, Germany) (represented by G. Maximini, lawyer)

Other party to the proceedings: European Parliament (represented by: J. Steele and S. Seyr, Agents)

Re:

Appeal brought against the judgment of the Civil Service Tribunal of the European Union (Second Chamber) of 24 September 2015 in *Weissenfels* v *Parliament* (F-92/14, EU:F:2015:110), seeking to have that judgment set aside.

Operative part of the judgment

The Court:

1. *Dismisses the appeal;*

2. *Orders Mr Roderich Weissenfels to pay the costs.*

([1]) OJ C 59, 15.2.2016.

Order of the General Court of 22 September 2016 — Mitteldeutsche Braunkohlengesellschaft and Others v Commission

(Case T-750/15) ([1])

(Actions for annulment — State aid — Renewable energy — Aid granted by certain provisions of the amended German Law concerning renewable energy sources (EEG 2014) — Aid supporting electricity from renewable sources and reduced EEG surcharge for energy-intensive users — Decision declaring the aid compatible with the internal market — Action for annulment — No interest in bringing proceedings — Inadmissibility)

(2016/C 410/27)

Language of the case: German

Parties

Applicants: Mitteldeutsche Braunkohlengesellschaft mbH (Zeitz, Germany), RWE Power AG (Essen, Germany) and Vattenfall Europe Mining AG (Cottbus, Germany) (represented by: U. Karpenstein, K. Dingemann and M. Kottmann, lawyers)

Defendant: European Commission (represented by: K. Hermann and T. Maxian Rusche, Agents)

Re:

Action based on Article 263 TFEU and seeking annulment of Commission Decision C(2014) 5081 final of 23 July 2014 concerning State aid scheme SA. 38632 (2014/N) implemented by the Federal Republic of Germany (EEG 2014 — Reform of the Renewable Energy Law).

Operative part of the order

1. *The action is dismissed as inadmissible.*

2. *Mitteldeutsche Braunkohlengesellschaft mbH, RWE Power AG and Vattenfall Europe Mining AG shall pay the costs.*

([1]) OJ C 59, 15.2.2016.

Order of the General Court of 13 September 2016 — Sogepa v Commission

(Case T-761/15) ([1])

(Action for annulment — State aid — Crystal-ware — Aid in the form of a loan — Decision declaring the aid incompatible with the internal market — Obligation to recover the aid granted to an insolvent undertaking — Disregard of formal requirements — Inadmissibility)

(2016/C 410/28)

Language of the case: French

Parties

Applicant: Société wallonne de gestion et de participations (Sogepa) (Liège, Belgium) (represented by: A. Lepièce and H. Baeyens, lawyers)

Defendant: European Commission (represented by: J.-F. Brakeland, L. Armati and B. Stromsky, acting as Agents)

Re:

Application based on Article 263 TFEU and asking for annulment of Articles 3 to 6 of Commission decision (EU) 2015/1825 of 31 July 2014 on non-notified State aid SA.34791 (2013/C) (ex 2012/NN) — Belgium — Rescue aid for Val Saint-Lambert SA (OJ 2015 L 269, p. 47).

Operative part of the order

1. *The action is dismissed as being inadmissible.*

2. *Société wallonne de gestion et de participations (Sogepa) is ordered to bear, in addition to its own costs, those incurred by the European Commission.*

([1]) OJ C 68, 22.2.2016.

Order of the General Court of 16 September 2016 — Sartour v Parliament

(Case T-78/16) ([1])

(Public service contracts — Food concession in a building occupied by the Parliament — Rejection of the tender of a tenderer and award of the contract to another tenderer — Cancellation of the call for tenders — No need to adjudicate)

(2016/C 410/29)

Language of the case: French

Parties

Applicant: Sartour (Beveren, Belgium) (represented by: M. Cherchi, lawyer)

Defendant: European Parliament (represented by: Z Nagy and S. Toliušis, acting as Agents)

Re:

Application based on Article 263 TFEU and asking for annulment, first, of the European Parliament's decision of 18 December 2015, rejecting the tender submitted by the applicant under tender procedure 06B40/2015/M073 for the Mediterranean food concession in the Altiero Spinelli Building occupied by the Parliament in Brussels, and, second, of the 'decision' whereby the Parliament awarded that concession to another tenderer.

Operative part of the order

1. *There is no longer any need to adjudicate on the action.*

2. *The European Parliament shall pay the costs.*

([1]) OJ C 118, 4.4.2016.

Order of the President of the General Court of 15 September 2016 — Niculae and Others v Romania and Others

(Case T-256/16 R)

(Application for interim measures — Dismissal of the main action — No need to adjudicate)

(2016/C 410/30)

Language of the case: Romanian

Parties

Applicants: Ioan Niculae (Bucharest, Romania) and the five other applicants, whose names are included in the Annex to the order (represented by: M. Vassii, lawyer)

Defendants: Romania, European Commission, Agency for the Cooperation of Energy Regulators (ACER) and Autoritatea națională de reglementare în domeniul energiei (ANRE) (Romania).

Re:

Application for interim measures in the context of an action against Romania, the European Commission, the Agency for the Cooperation of Energy Regulators (ACER) and the Autoritatea națională de reglementare în domeniul energiei (ANRE) (Romania).

Operative part of the order

1. *There is no need to adjudicate on the application for interim measures.*

2. *Ioan Niculae and the other applicants whose names are included in the Annex to the order shall bear their own costs.*

Action brought on 2 September 2016 — Haeberlen v ENISA

(Case T-632/16)

(2016/C 410/31)

Language of the case: French

Parties

Applicant: Thomas Haeberlen (Swisttal, Germany) (represented by: L. Levi and A. Tymen, lawyers)

Defendant: European Union Agency for Network and Information Security

Form of order sought

The applicant claims that the Court should:

— declare the present action admissible and well founded;

Consequently,

— annul the decision of 21 October 2015;

— in so far as necessary, annul the decision of 20 May 2016, received on 23 May 2016, rejecting the complaint;

— order compensation, assessed at EUR 3 000, to be paid for the non-material harm suffered by the applicant;

— order the defendant to pay all of the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on two pleas in law.

1. First plea in law, alleging the unlawfulness of Regulation (EU) No 422/2014 of the European Parliament and of the Council of 16 April 2014 adjusting with effect from 1 July 2011 the remuneration and pensions of officials and other servants of the European Union and the correction coefficients applied thereto (OJ 2014 L 129, p. 5) and of Regulation (EU) No 423/2014 of the European Parliament and of the Council of 16 April 2014 adjusting with effect from 1 July 2012 the remuneration and pensions of officials and other servants of the European Union and the correction coefficients applied thereto (OJ 2014 L 129, p. 12) ('the contested regulations'). In particular, the adoption of the contested regulations is vitiated by a number of irregularities, inter alia, infringement of essential procedural requirements, of the obligation to state reasons, of Article 10 of Annex XI to the applicable Staff Regulations prior to the entry into force of Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013 amending the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union (OJ 2013 L 287, p. 15), infringement of Articles 10, 11 and 65 of the Staff Regulations, of the principles of acquired rights and proportionality, of the principle of the protection of legitimate expectation, and of the rules on social dialogue.

2. Second plea in law, alleging infringement of the principle of sound administration, of the obligation to state reasons and of the duty to have regard for the interests of officials.

Action brought on 15 September 2016 — Camerin v Parliament

(Case T-647/16)

(2016/C 410/32)

Language of the case: French

Parties

Applicant: Laure Camerin (Etterbeek, Belgium) (represented by: M. Casado García-Hirschfeld, lawyer)

Defendant: European Parliament

Form of order sought

— Declare the application admissible;

— Annul the contested decision;

— Annul, if necessary, the rejection decision;

— Order the defendant to pay all the costs.

Pleas in law and main arguments

In support of the action brought against the decision taken on 1 December 2015 by the Secretary General of the S&D Group in the European Parliament, refusing to extend the applicant's service beyond the age of 65 years until 31 December 2016 (the contested decision), the applicant relies on a single plea in law, divided into two parts.

— First part, alleging infringement of Article 52 of the Staff Regulations of Officials, a manifest error of assessment and infringement of the principle of sound administration.

— Second part, alleging infringement of the sixth paragraph of Article 1 of Annex II to the Staff Regulations of Officials.

Action brought on 14 September 2016 — Crocs v EUIPO — Gifi Diffusion (Footwear)

(Case T-651/16)

(2016/C 410/33)

Language in which the application was lodged: English

Parties

Applicant: Crocs, Inc. (Niwot, Colorado, United States) (represented by: J. Guise, D. Knight, L. Cassidy, H. Seymour, Solicitors, M. Berger, N. Hadjadj Cazier, H. Haouideg, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Gifi Diffusion (Villeneuve-sur-Lot, France)

Details of the proceedings before EUIPO

Proprietor of the design at issue: Applicant

Design at issue: Community design 'Footwear' — Community design No 257 001-0001

Contested decision: Decision of the Third Board of Appeal of EUIPO of 06/06/2016 in Case R 853/2014-3

Form of order sought

The applicant claims that the Court should:

— annul the contested decision and find that the website disclosures did not constitute a prior disclosure within the meaning of Article 7; upheld the contested registered Community design and dismiss the application for a declaration of invalidity;

— make an award of costs in its favour.

Pleas in law

— Infringement of Article 63(1) of Regulation No 6/2002;

— Infringement of Article 7 of Regulation No 6/2002.

Action brought on 17 September 2016 — Márquez Alentà v EUIPO — (Fiesta Hotels & Resorts) (representation of an ant)

(Case T-657/16)

(2016/C 410/34)

Language in which the application was lodged: Spanish

Parties

Applicant: Marc Márquez Alentà (Cervera, Spain) (represented by: J. Carbonell Callicó, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Fiesta Hotels & Resorts, SL (Ibiza, Spain)

Details of the proceedings before EUIPO

Applicant: Applicant

Trade mark at issue: Figurative EU mark (Representation of an ant) — Application for registration No 12 715 661

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the First Board of Appeal of EUIPO of 30 June 2016 in Case R 1242/2015-1

Form of order sought

The applicant claims that the Court should:

— annul the contested decision in so far as it concerns the partial upholding of application R 1242/2015-1 and the opposition for certain goods applied for in Class 16 and services in Class 35;

— consequently, confirm the Opposition Division's decision and therefore grant the trade mark for all of the goods and services applied for in Classes 16, 35, 41 and 43;

— order EUIPO to pay the costs of the proceedings, in accordance with Article 87(2) of Regulation No 207/2009.

Plea in law

— Infringement of Article 8(1)(a) and (b) of Regulation No 207/2009.

Appeal brought on 20 September 2016 by Carlo De Nicola against the judgment of the Civil Service Tribunal of 21 July 2016 in Case F-100/15, De Nicola v EIB

(Case T-666/16 P)

(2016/C 410/35)

Language of the case: Italian

Parties

Appellant: Carlo De Nicola (Strassen, Luxembourg) (represented by G. Ferabecoli, lawyer)

Other party to the proceedings: European Investment Bank

Form of order sought by the appellant

The appellant claims that the Court should:

— uphold the present appeal and, reversing the judgment under appeal, annul points 1 and 2 of the operative part and paragraphs 33, 46 to 60, 85 to 94, 100 to 106 and 107 to 109 of the judgment itself;

— consequently, annul and/or disapply the decision taken on 8 December 2014 by the Appeals Committee, if necessary referring the matter back to that committee after laying down the criteria which must be complied in the adoption of the new decision; declare that bullying was committed by the EIB to the detriment of Mr De Nicola, and order the EIB to compensate Mr De Nicola for the damage suffered, as sought in the initiating application; or, in the alternative, refer the case to another appellate chamber of the General Court in order that it may, in a different formation, give a fresh decision on the annulled paragraphs, following the completion of the requested medical report.

Grounds of appeal and main arguments

The present appeal is brought against the judgment of the Civil Service Tribunal of 21 July 2016 dismissing the action, brought by the appellant, concerning annulment of the decision of the Appeals Committee of 8 December 2014 rejecting his complaint relating to his staff appraisal report for 2013, as well as the decision of the respondent not to promote him. The appellant also seeks a declaration confirming the psychological harm of which he claims to have been a victim and asks that the Bank be ordered to pay compensation for the material, non-material and physical harm which he has allegedly suffered.

In support of his claims, the appellant states that the request for a declaration confirming that bullying took place is based specifically on Article 41 of the Staff Regulations of the Bank and consequently there are no problems relating to content and/or subject matter such as to exempt the action from the jurisdiction of the EU Courts. In this respect, it is stressed that the duty of the EU Courts to rule on the request for a confirmatory declaration is confirmed in the case-law of the General Court.

The appellant claims furthermore that all the conditions laid down in the case-law to uphold the application for an award of damages are met.

The appellant also contests paragraphs 46 to 60 of the judgment under appeal, concerning the request for annulment of the decision of the Appeals Committee, in so far as that part of the judgment is based on the premiss that it had not been proved that the decision of the Appeals Committee was vitiated by a manifest error of assessment.

Appeal brought on 21 September 2016 by Carlo De Nicola against the judgment of the Civil Service Tribunal of 21 July 2016 in Case F-82/15, De Nicola v EIB

(Case T-669/16 P)

(2016/C 410/36)

Language of the case: Italian

Parties

Appellant: Carlo De Nicola (Strassen, Luxembourg) (represented by G. Ferabecoli, lawyer)

Other party to the proceedings: European Investment Bank (EIB)

Form of order sought

The appellant claims that the Court should:

— uphold the present appeal and, partially reversing the judgment under appeal, annul point 2 of the operative part, together with paragraphs 12, 13, 24, 55 to 57, 123 to 135 and 157 to 165 of the judgment itself;

— consequently, order the respondent to compensate Mr De Nicola for the damage suffered, as requested in the application initiating proceedings.

Grounds of appeal and main arguments

The present appeal is brought against the judgment of the Civil Service Tribunal of 21 July 2016, which dismissed the proceedings brought by the appellant, concerning, in essence, on the one hand, the annulment of the decision of 4 December 2014, by which the respondent denied the appellant the reimbursement of certain medical expenses, and, on the other hand, the award by the respondent and the European Union of compensation for the damage he allegedly suffered.

In support of his appeal, the appellant disputes the findings on the scientific benefits of laser therapy in the judgment under appeal.

The appellant claims furthermore that the conditions relating to compensation for damage, whether material or non-material, are met in the present case.

Action brought on 16 September 2016 — Digital Rights Ireland v Commission

(Case T-670/16)

(2016/C 410/37)

Language of the case: English

Parties

Applicant: Digital Rights Ireland Ltd (Bennettsbridge, Ireland) (represented by: E. McGarr, Solicitor)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— declare that the Application is admissible;

— declare that the Commission Implementing Decision (EU) 2016/1250 of 12 July 2016 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequacy of the protection provided by the EU-U.S. Privacy Shield is a manifest error of assessment by the Commission insofar as it finds an adequate level of protection in the US, for personal data, concordant with Directive 95/46/EC ([1]);

— declare that the contested decision is null and void and order the annulment of the contested decision relating to the adequacy of the protection provided by the EU-US Privacy Shield;

— order the Commission to pay the costs of the proceedings.

Pleas in law and main arguments

In support of the action, the applicant relies on ten pleas in law.

1. First plea in law, alleging that the contested decision is not in accordance with Article 25(6) of Directive 95/46, read in the light of Articles 7, 8 and 47 of the Charter of Fundamental Rights of the European Union.

2. Second plea in law, alleging that the contested decision is not in accordance with Article 25(6) of Directive 95/46, read in the light of Articles 7, 8 and 47 of the Charter of Fundamental Rights of the European Union and the judgment of the Court of justice of the European Union in Case C—362/14, Schrems.

3. Third plea in law, alleging that the 'privacy principles' and/or the official (US) 'representations and commitments' contained in Annexes I, III to VII of the contested decision do not constitute 'international commitments' within the meaning of Article 25(6) of Directive 95/46.

4. Fourth plea in law, alleging that the provisions of the Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2008 ('FISA Amendments Act of 2008') constitute legislation permitting pubic authorities to have access on a generalised basis to the content of electronic communications and consequently are not concordant with Article 7 of the Charter of Fundamental Rights of the European Union.

5. Fifth plea in law, alleging that the provisions of the FISA Amendments Act of 2008 constitute legislation permitting public authorities to have secret access on a generalised basis to the content of electronic communications and consequently are not concordant with Article 47 of the Charter Fundamental Rights of the European Union.

6. Sixth plea in law, alleging that by failing to fully transpose the provisions contained in Directive 95/46 (specifically Article 28(3)), the contested decision, on its face, fails to adequately ensure that the European Union citizens' rights under EU law are fully provided for where their data is transferred to the United States of America.

7. Seventh plea in law, alleging that the contested decision is incompatible with Articles 7 and 8 and Article 52(1) of the Charter of Fundamental Rights of the European Union.

8. Eighth plea in law, alleging that insofar as the contested decision allows, or in the alternative fails and has failed to safeguard against indiscriminate access to electronic communications by foreign law enforcement authorities, it is invalid as a breach of the Rights of Privacy, Data Protection, Freedom of Expression and Freedom of Assembly and Association, as provided for under the Charter of Fundamental Rights of the European Union and by the general principles of EU Law.

9. Ninth plea in law, alleging that insofar as the contested decision allows, or in the alternative fails and has failed to safeguard against indiscriminate access to electronic communications by foreign law enforcement authorities, and fails to provide an adequate remedy to EU citizens whose personal data is thus accessed, it denies the individual the right to an Effective Remedy and the right to Good Administration, contrary to the Charter of Fundamental Rights and the General Principles of EU Law.

10. Tenth plea in law, alleging that by failing to fully transpose the rights contained in Directive 95/46 (specifically at Article 14 and 15), the contested decision, on its face, fails to adequately ensure that the European Union citizens' rights under EU law are fully provided for where their data is transferred to the United States of America.

([1]) Directive 95/46/EC of the European Parliament and the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, OJ 1995 L 281, p. 31.

Action brought on 21 September 2016 – C=Holdings v EUIPO – Trademarkers (C=commodore)

(Case T-672/16)

(2016/C 410/38)

Language in which the application was lodged: English

Parties

Applicant: C=Holdings BV (Oldenzaal, The Netherlands) (represented by: P. Maeyaert, K. Neefs, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Trademarkers NV (Antwerp, Belgium)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Applicant

Trade mark at issue: International registration designating the European Union in respect of the figurative mark containing the word element 'C=commodore' – International registration designating the European Union No 907 082

Procedure before EUIPO: Proceedings for a declaration of invalidity

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 13 July 2016 in Case R 2585/2015-4

Form of order sought

The applicant claims that the Court should:

— annul the contested decision to the extent that is dismissed the appeal of the Applicant and remit the case to the Board of Appeal;

— order EUIPO to pay the costs incurred by the applicant.

Plea in law

— Infringement of Articles 51(1)(a) and 75 of Regulation No 207/2009.

Action brought on 22 September 2016 — Wirecard v EUIPO (mycard2go)

(Case T-675/16)

(2016/C 410/39)

Language of the case: German

Parties

Applicant: Wirecard AG (Aschheim, Germany) (represented by: A. Bayer, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the procedure before EUIPO

Mark at issue: EU trade mark 'mycard2go' — Application No 14 303 416

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 21 July 2016 in Case R 282/2016-4

Form of order sought

The applicant claims that the Court should:

— annul the contested decision and refer the case back to the defendant for continuation of the registration procedure concerning EU trade mark No 014303416;

— order EUIPO to pay the costs, including those incurred in the appeal proceedings before EUIPO.

Plea in law

— Infringement of Article 7(1)(b) and (c) of Regulation No 207/2009, in conjunction with Article 7(2) of Regulation No 207/2009.

Action brought on 22 September 2016 — Wirecard v EUIPO (mycard2go)

(Case T-676/16)

(2016/C 410/40)

Language of the case: German

Parties

Applicant: Wirecard AG (Aschheim, Germany) (represented by: A. Bayer, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the procedure before EUIPO

Mark at issue: EU figurative mark containing the word element 'mycard2go' — Application No 14 303 457

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 21 July 2016 in Case R 280/2016-4

Form of order sought

The applicant claims that the Court should:

— annul the contested decision and refer the case back to the defendant for continuation of the registration procedure concerning EU trade mark No 014303457;

— order EUIPO to pay the costs, including those incurred in the appeal proceedings before EUIPO.

Plea in law

— Infringement of Article 7(1)(b) and (c) of Regulation No 207/2009, in conjunction with Article 7(2) of Regulation No 207/2009.

Action brought on 21 September 2016 — KUKA Systems v EUIPO (MATRIX BODY SHOP)

(Case T-683/16)

(2016/C 410/41)

Language of the case: German

Parties

Applicant: KUKA Systems GmbH (Augsburg, Germany) (represented by: B. Maneth and C. Huch-Hallwachs, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: EU word mark 'MATRIX BODY SHOP' — Application No 14 182 661

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 19 July 2016 in Case R 2503/2015-4

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— order EUIPO to pay the costs of the proceedings.

Plea in law

— Infringement of Article 7(1)(b) and (c) of Regulation No 207/2009.

Action brought on 23 September 2016 — Ciarko spółka z ograniczoną odpowiedzialnością v EUIPO — Maan (cooker hood)

(Case T-684/16)

(2016/C 410/42)

Language in which the application was lodged: Polish

Parties

Applicant: Ciarko spółka z ograniczoną odpowiedzialnością sp.k. (Sanok, Poland) (represented by: M. Żabińska, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Maan sp. z o.o. (Grójec, Poland)

Details of the proceedings before EUIPO

Proprietor of the design at issue: Applicant

Design at issue: European Union design No 1 775 792-0002

Contested decision: Decision of the Third Board of Appeal of EUIPO of 13 July 2016 in Case R 1212/2015-3

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— order EUIPO to pay the costs of the proceedings.

Pleas in law

Infringement of Articles 25(1)(b), 4(1) and 6 of Regulation No 6/2002.

Action brought on 22 September 2016 — Carlos Javier Jiménez Gasalla v EUIPO (B2B SOLUTIONS)

(Case T-685/16)

(2016/C 410/43)

Language of the case: Spanish

Parties

Applicant: Carlos Javier Jiménez Gasalla (Madrid, Spain) (represented by: E. Estella Garbayo, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: European Union word mark 'B2B SOLUTIONS' — Application for registration No 14 016 224

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 22 July 2016 in Case R 244/2016-4

Form of order sought

The applicant claims that the Court should:

— annul the decision of the Fourth Board of Appeal of EUIPO of 22 July 2016;

— annul EUIPO's decision at first instance dated 9 December 2015 by which the reference mark was refused in its entirety;

— amend the earlier decisions allowing the grant of the trade mark of the applicant;

— order EUIPO to pay the costs of the present proceedings, as well as the appeal proceedings.

Plea in law

— Infringement of Article 7(1)(b) and (c) and Article 7(2) of Regulation No 207/2009.

Action brought on 23 September 2016 — Koton Mağazacilik Tekstil Sanayi ve Ticaret v EUIPO — Nadal Esteban (STYLO & KOTON)

(Case T-687/16)

(2016/C 410/44)

Language in which the application was lodged: English

Parties

Applicant: Koton Mağazacilik Tekstil Sanayi ve Ticaret AŞ (Istanbul, Turkey) (represented by: J. Güell Serra and E. Stoyanov Edissonov, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Joaquín Nadal Esteban (Alcobendas, Spain)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Other party to the proceedings before the Board of Appeal

Trade mark at issue: figurative mark containing the word elements 'STYLO & KOTON' — EU trade mark No 9 917 436

Procedure before EUIPO: Proceedings for a declaration of invalidity

Contested decision: Decision of the Second Board of Appeal of EUIPO of 14 June 2016 in Case R 1779/2015-2

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— order that the trade mark at issue be declared invalid by EUIPO;

— order EUIPO and the other party to the proceedings before the Board of Appeal to pay the costs.

Plea in law

— Infringement of Articles 8(1)(b) and 52(1)(b) of Regulation No 207/2009.

Action brought on 28 September 2016 — Janssen-Cases v Commission

(Case T-688/16)

(2016/C 410/45)

Language of the case: French

Parties

Applicant: Mercedes Janssen-Cases (Brussels, Belgium) (represented by: J.-N. Louis and N. De Montigny, lawyers)

Defendant: European Commission

Form of order sought

— Annul the decisions of the Commission of 15 June 2016 to fill the post of the Commission's mediator by the appointment of another candidate and those rejecting the applicant's application for that post;

— Order the Commission to pay the applicant the sum of one hundred thousand euros as compensation for the pecuniary and non-pecuniary harm suffered;

— Order the Commission to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on four pleas in law.

1. First plea in law, alleging infringement of Article 6(3) of Commission Decision C (2002) 601 of 4 March 2002 on the reinforced Mediation Service, since the contested decisions were adopted by the Commission, while its President is alone competent to adopt those decisions, on a proposal from the Director General of the Human Resources and Security Directorate General following an opinion of the Staff Committee.

2. Second plea in law, alleging infringement of Article 27 of the Charter of Fundamental Rights, which establishes the workers' right to information and consultation, in the present case the right to actual consultation of the Commission staff committee.

3. Third plea in law, alleging an abuse of power by the Commission in the procedures implemented in order to fill the post of the Commission's mediator.

4. Fourth plea in law, alleging infringement of the obligation to state reasons, a manifest error of assessment, infringement of the principles of legitimate expectations, proportionality and sound administration.

Order of the General Court of 7 September 2016 — Gemeente Eindhoven v Commission

(Case T-370/13) ([1])

(2016/C 410/46)

Language of the case: Dutch

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

([1]) OJ C 274, 21.9.2013.

Order of the General Court of 19 September 2016 — Indecopi v EUIPO — Synergy Group (PISCO)

(Case T-446/15) ([1])

(2016/C 410/47)

Language of the case: Spanish

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

([1]) OJ C 320, 28.9.2015.

Order of the General Court of 19 September 2016 — Indecopi v EUIPO — Synergy Group (PISCO SOUR)

(Case T-447/15) ([1])

(2016/C 410/48)

Language of the case: Spanish

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

([1]) OJ C 320, 28.9.2015.

Order of the General Court of 14 September 2016 — Almashreq Investment Fund v Council

(Case T-463/15) ([1])

(2016/C 410/49)

Language of the case: French

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

([1]) OJ C 337, 12.10.2015.

Order of the General Court of 14 September 2015 — Othman v Council

(Case T-464/15) ([1])

(2016/C 410/50)

Language of the case: French

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

([1]) OJ C 337, 12.10.2015.

Order of the General Court of 14 September 2016 — Makhlouf v Council

(Case T-465/15) ([1])

(2016/C 410/51)

Language of the case: French

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

([1]) OJ C 337, 12.10.2015.

Order of the General Court of 14 September 2016 — Makhlouf v Council

(Case T-466/15) ([1])

(2016/C 410/52)

Language of the case: French

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

([1]) OJ C 337, 12.10.2015.

Order of the General Court of 14 September 2016 — Drex Technologies v Council

(Case T-467/15) ([1])

(2016/C 410/53)

Language of the case: French

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

([1]) OJ C 337, 12.10.2015.

Order of the General Court of 14 September 2016 — Souruh v Council

(Case T-468/15) ([1])

(2016/C 410/54)

Language of the case: French

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

([1]) OJ C 337, 12.10.2015.

Order of the General Court of 14 September 2016 — Bena Properties v Council

(Case T-469/15) ([1])

(2016/C 410/55)

Language of the case: French

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

([1]) OJ C 337, 12.10.2015.

Order of the General Court of 14 September 2016 — Cham v Council

(Case T-470/15) ([1])

(2016/C 410/56)

Language of the case: French

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

([1]) OJ C 337, 12.10.2015.

Order of the General Court of 14 September 2016 — Syriatel Mobile Telecom v Council

(Case T-471/15) ([1])

(2016/C 410/57)

Language of the case: French

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

([1]) OJ C 337, 12.10.2015.

Order of the General Court of 14 September 2016 — Syriatel Mobile Telecom v Council

(Case T-705/15) ([1])

(2016/C 410/58)

Language of the case: French

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

([1]) OJ C 59, 15.2.2016.

Order of the General Court of 14 September 2016 — Makhlouf v Council

(Case T-706/15) ([1])

(2016/C 410/59)

Language of the case: French

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

([1]) OJ C 38, 1.2.2016.

Order of the General Court of 14 September 2016 — Souruh v Council

(Case T-707/15) ([1])

(2016/C 410/60)

Language of the case: French

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

([1]) OJ C 59, 15.2.2016.

Order of the General Court of 14 September 2016 — Cham et Bena Properties v Council

(Case T-708/15) ([1])

(2016/C 410/61)

Language of the case: French

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

([1]) OJ C 59, 15.2.2016.

Order of the General Court of 14 September 2016 — Almashreq Investment Fund v Council

(Case T-709/15) ([1])

(2016/C 410/62)

Language of the case: French

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

([1]) OJ C 59, 15.2.2016.

Order of the General Court of 14 September 2016 — Drex Technologies v Council

(Case T-710/15) ([1])

(2016/C 410/63)

Language of the case: French

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

([1]) OJ C 59, 15.2.2016.

Order of the General Court of 14 September 2016 — Othman v Council

(Case T-711/15) ([1])

(2016/C 410/64)

Language of the case: French

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

([1]) OJ C 59, 15.2.2016.

Order of the General Court of 14 September 2016 — Makhlouf v Council

(Case T-714/15) ([1])

(2016/C 410/65)

Language of the case: French

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

([1]) OJ C 59, 15.2.2016.

Order of the General Court of 6 September 2016 — Skechers USA France v EUIPO — IM Production (Shoes)

(Case T-9/16) ([1])

(2016/C 410/66)

Language of the case: French

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

([1]) OJ C 98, 14.3.2016.

Order of the General Court of 13 September 2016 — NI v CEPD

(Case T-237/16) ([1])

(2016/C 410/67)

Language of the case: Spanish

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

([1]) OJ C 260, 18.7.2016.

EUROPEAN UNION CIVIL SERVICE TRIBUNAL

Order of the Civil Service Tribunal (3rd Chamber) of 15 June 2016 — Stepien and Animali v Commission

(Case F-61/12) ([1])

(Civil service — Officials — Pensions — Transfer of national pension rights — Proposals concerning additional pensionable years — Act not having an adverse effect — Inadmissibility of the action — Application for a decision not going to the substance of the case — Article 83 of the Rules of Procedure)

(2016/C 410/68)

Language of the case: French

Parties

Applicant: Beata Stepien (Brussels, Belgium) and Mario Animali (Brussels, Belgium) (represented by: initially D. de Abreu Caldas, A. Coolen, J.-N. Louis, É. Marchal and S. Orlandi, lawyers, then D. de Abreu Caldas, J.-N. Louis and S. Orlandi, lawyers, subsequently J.-N. Louis and S. Orlandi, lawyers, and, lastly, J.-N. Louis, lawyer)

Defendant: European Commission (represented by: initially J. Baquero Cruz and D. Martin, Agents, then J. Currall and G. Gattinara, Agents, subsequently G. Gattinara, Agent, lastly G. Gattinara and F. Simonetti, Agents)

Re:

Application for annulment of the proposals to transfer the pension rights acquired prior to entering the service of the Commission on the basis of a calculation which takes into account the new GIP entering into force after the applicants had submitted their requests to transfer their pension rights.

Operative part of the order

1. *The action is dismissed.*

2. *Ms Beata Stepien and Mr Mario Animali shall bear their own costs and pay the costs incurred by the European Commission.*

([1]) OJ C 227, 28/7/2012, p. 38.

Order of the Civil Service Tribunal (3rd Chamber) of 15 June 2016 — Wille and Skovsboell v Commission

(Case F-75/12) ([1])

(Civil service — Officials — Pensions — Transfer of national pension rights — Proposals concerning additional pensionable years — Act not having an adverse effect — Inadmissibility of the action — Application for a decision not going to the substance of the case — Article 83 of the Rules of Procedure)

(2016/C 410/69)

Language of the case: French

Parties

Applicants: Daniel Wille (Mouscron, Belgium) and Bo Skovsboell (Brussels, Belgium) (represented by: initially D. de Abreu Caldas, A. Coolen, J.-N. Louis, É. Marchal and S. Orlandi, lawyers, then D. de Abreu Caldas, J.-N. Louis and S. Orlandi, lawyers, subsequently J.-N. Louis and S. Orlandi, lawyers, and, lastly, J.-N. Louis, lawyer)

Defendant: European Commission (represented by: initially J. Baquero Cruz and D. Martin, Agents, then J. Currall and G. Gattinara, Agents, subsequently G. Gattinara, Agent and, lastly, G. Gattinara and F. Simonetti, Agents)

Re:

Application for annulment of the decision calculating the amount of the pension rights acquired prior to entering the service of the Commission to be credited and the rejection of the complaints brought by the applicants.

Operative part of the order

1. *The action is dismissed.*

2. *Mr Daniel Wille and Mr Bo Skovsboell shall bear their own costs and pay the costs incurred by the European Commission.*

(1) OJ C 287, 22/9/2012, p. 41.

Order of the Civil Service Tribunal (3rd Chamber) of 15 June 2016 — Poniskaitis v Commission

(Case F-152/12) (1)

(Civil service — Officials — Pensions — Transfer of national pension rights — Proposals concerning additional pensionable years — Act not having an adverse effect — Inadmissibility of the action — Application for a decision not going to the substance of the case — Article 83 of the Rules of Procedure)

(2016/C 410/70)

Language of the case: French

Parties

Applicant: Jonas Poniskaitis (Brussels, Belgium) (represented by: initially D. de Abreu Caldas, A. Coolen, J.-N. Louis, É. Marchal and S. Orlandi, lawyers, then D. de Abreu Caldas, J.-N. Louis and S. Orlandi, lawyers, subsequently J.-N. Louis and S. Orlandi, lawyers, and, lastly, J.-N. Louis, lawyer)

Defendant: European Commission (represented by: initially D. Martin and G. Gattinara, Agents, then J. Currall and G. Gattinara, Agents, subsequently G. Gattinara, Agent, and, lastly, G. Gattinara and F. Simonetti, Agents)

Re:

Application for annulment of the decision to calculate on the basis of the new GIP the amounts to be credited of the applicant's pension rights acquired before he entered the service of the Commission.

Operative part of the order

1. *The action is dismissed.*

2. *Mr Jonas Poniskaitis shall bear his own costs and pay the costs incurred by the European Commission.*

(1) OJ C 71, 9/3/2013, p. 30.

Order of the Civil Service Tribunal (3rd Chamber) of 15 June 2016 — Marinozzi v Commission

(Case F-39/15) ([1])

(Civil service — Members of the contract staff — Pensions — Transfer of national pension rights — Proposals concerning additional pensionable years — Act not having an adverse effect — Inadmissibility of the action — Application for a decision not going to the substance of the case — Article 83 of the Rules of Procedure)

(2016/C 410/71)

Language of the case: French

Parties

Applicant: Gabrio Marinozzi (Santo Domingo, Dominican Republic) (represented by: J.-N. Louis and N. de Montigny, lawyers)

Defendant: European Commission (represented by: J. Currall and G. Gattinara, Agents, then G. Gattinara, Agent, and, lastly, G. Gattinara and F. Simonetti, Agents)

Re:

Application for annulment of the proposal to transfer the applicant's pension rights to the EU pension scheme which applies the new general implementing provisions (GIP) of 3 March 2011 for Article 11(2) of Annex VIII to the Staff Regulations.

Operative part of the order

1. *The action is dismissed.*

2. *Mr Gabrio Marinozzi shall bear his own costs and pay those incurred by the European Commission.*

([1]) OJ C 178, 1/6/2015, p. 27.

Order of the Civil Service Tribunal of 6 June 2016 — Matzke v Commission

(Case F-87/15) ([1])

(2016/C 410/72)

Language of the case: French

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

([1]) OJ C 262, 10/8/2015, p. 43.

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