COURT OF FIRST INSTANCE

Judgment of the Court of First Instance of 12 December 2007 — Pagliacci v Commission

(Case T-307/04) [1]

(Officials — Open competition — Failure to include candidate's name on the reserve list — Breach of the notice of competition — Qualifications and professional experience required)

(2008/C 22/72)

Language of the case: French

Parties

Applicant: Carlo Pagliacci (Brussels, Belgium) (represented by: S. Orlandi, A. Coolen, J.-N. Louis and É. Marchal, lawyers, initially, and F. Schiaudone, lawyer, subsequently)

Defendant: Commission of the European Communities (represented by: C. Berardis-Kayser and H. Tserepa-Lacombe, Agents)

Re:

Action for annulment of the decision of the selection board of competition COM/A/1/02, which gave the applicant insufficient points in the tests for his name to be included in the list of successful candidates.

Operative part of the judgment

The Court:

1. *Annuls the decision of the section board of competition COM/A/1/02 which gave Mr Carlo Pagliacci insufficient points in the tests for his name to be included in the list of successful candidates;*

2. *Orders the Commission to pay the costs.*

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[1] OJ C 262, 14.5.2005.

Judgment of the Court of First Instance of 11 December 2007 — Sack v Commission

(Case T-66/05) [1]

(Civil service — Official — Action for annulment — Responsibility bonus — Duties of 'Head of unit' — Equal treatment — Duty to state reasons — Language provisions)

(2008/C 22/73)

Language of the case: German

Parties

Applicant: Jörn Sack (Berlin, Germany) (represented by: U. Lehmann-Brauns and D. Mahlo, lawyers)

Defendant: Commission of the European Communities (represented by: V. Joris and H. Krämer, acting as Agents, and B. Wägenbaur, lawyer)

Re:

Action for annulment of the decisions relating to the fixing of the applicant's monthly salary for the months of May 2004 to February 2005, application for a fresh calculation of that salary and action for annulment of the express decision to reject the applicant's claim, notified to him on 26 November 2004.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders each party to bear its own costs.*

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[1] OJ C 106, 30.4.2005.

Judgment of the Court of First Instance of 12 December 2007 — K & L Ruppert Stiftung v OHIM — Lopes de Almeida Cunha and Others (CORPO livre)

(Case T-86/05) [1]

(Community trade mark — Opposition proceedings — Application for the figurative mark CORPO LIVRE — National and international word marks LIVRE — Proof of use of the earlier marks submitted out of time)

(2008/C 22/74)

Language of the case: German

Parties

Applicant: K & L Ruppert Stiftung & Co. Handels-KG (Weilheim, Germany) (represented by: D. Spohn and A. Kockläuner, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: G. Schneider, acting as Agent)

Other parties to the proceedings before the Board of Appeal of OHIM: Natália Cristina Lopes de Almeida Cunha (Vila Nova de Gaia, Portugal); Cláudia Couto Simões, (Vila Nova de Gaia); and Marly Lima Jatobá (Vila Nova de Gaia)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 7 December 2004 (Case R 328/2004-1), relating to opposition proceedings between K & L Ruppert Stiftung & Co. Handels-KG and Natália Cristina Lopes de Almeida Cunha, Cláudia Couto Simões and Marly Lima Jatobá

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders the applicant, K & L Ruppert Stiftung & Co. Handels-KG, to pay the costs.*

([1]) OJ C 155, 25.6.2005.

Judgment of the Court of First Instance of 12 December 2007 — BASF and UCB v Commission

(Joined Cases T-101/05 and T-111/05) ([1])

(Competition — Agreements, decisions and concerted practices in the vitamin products sector — Choline chloride (vitamin B4) — Decision finding an infringement of Article 81 EC and Article 53 of the Agreement on the European Economic Area — Fines — Deterrence — Repeat infringement — Cooperation during the administrative procedure — Single and continuous infringement)

(2008/C 22/75)

Languages of the case: English and French

Parties

Applicants: BASF AG (Ludwigshafen, Germany) (represented by: N. Levy, Barrister, J. Temple Lang, Solicitor, and C. Feddersen, Lawyer) and UCB SA (Brussels, Belguim) (represented by J. Bourgeois, J.-F. Bellis and M. Favart, Lawyers)

Defendant: Commission of the European Communities (represented by: in Case T-101/05 A. Whelan and F. Amato and in Case T-111/05 initially O. Beynet and F. Amato, and subsequently X. Lewis and F. Amato, Agents)

Re:

Application for annulment or reduction of the fines imposed on the applicants by the Commission Decision of 9 December 2004 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/E-2/37.533 — Choline chloride) (summary published in OJ 2005 L 190, p. 22).

Operative part of the judgment

The Court:

1. *Disjoins Case T-112/05 Akzo Nobel and Others v Commission from Cases T-101/05 and T-111/05 for the purposes of the judgment;*

2. *Annuls Article 1(b) and (f) of Commission Decision 2005/566/EC of 9 December 2004 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/E-2/37.533 — Choline Chloride) in so far as it makes a finding of infringement against BASF AG and UCB SA during the period before 29 November 1994 in BASF's case and before 14 March 1994 in UCB's case;*

3. *In Case T-101/05, sets the fine imposed on BASF at EUR 35,024 million;*

4. *In Case T-111/05, sets the fine imposed on UCB at EUR 1,870 million;*

5. *Dismisses the remainder of the applications;*

6. *In Case T-101/05, orders the parties to bear their own costs;*

7. *In Case T-111/05, orders the Commission, in addition to bearing its own costs, to pay 90 % of the costs incurred by UCB.*

([1]) OJ C 115, 14.5.2005.

Judgment of the Court of First Instance of 12 December 2007 — Akzo Nobel and Others v Commission

(Case T-112/05) ([1])

(Competition — Cartels in the vitamin products sector — Choline chloride (Vitamin B4) — Decision finding an infringement of Article 81 EC and Article 53 of the Agreement on the European Economic Area — Attributability of the infringement)

(2008/C 22/76)

Language of the case: English

Parties

Applicants: Akzo Nobel (Arnhem, Netherlands), Akzo Nobel Nederland BV (Arnhem), Akzo Nobel Chemicals International BV (Amersfoort, Netherlands), Akzo Nobel Chemicals BV (Amersfoort), Akzo Nobel Functional Chemicals BV (Amersfoort) (represented by: initially C. Swaak and J. de Gou, and subsequently C. Swaak, M. van der Woude and M. Mollica, Lawyers)

Defendant: Commission of the European Communities (represented by: A. Whelan and F. Amato, Agents)