

Official Journal of the European Union

C 213



English edition

Information and Notices

Volume 58

29 June 2015

Contents

IV Notices

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

Court of Justice of the European Union

2015/C 213/01	Last publications of the Court of Justice of the European Union in the <i>Official Journal of the European Union</i>	1
---------------	--	---

General Court

2015/C 213/02	Method of designation of the Judge replacing a Judge prevented from acting	2
2015/C 213/03	Composition of the Grand Chamber	2
2015/C 213/04	Revocation of the decision of 23 September 2013 designating the Judge replacing the President of the General Court as the Judge hearing applications for interim measures	2

V Announcements

COURT PROCEEDINGS

Court of Justice

2015/C 213/05	Case C-28/12: Judgment of the Court (Grand Chamber) of 28 April 2015 — European Commission v Council of the European Union (Action for annulment — Mixed international agreements — Decision authorising the signing of those agreements and providing for their provisional application — Decision of the Council and of the Representatives of the Governments of the Member States meeting within the Council — Autonomy of the EU legal order — Participation of the Member States in the procedure and decision provided for in Article 218 TFEU — Voting arrangements within the Council)	3
---------------	---	---

EN

2015/C 213/06	Case C-51/13: Judgment of the Court (Fifth Chamber) of 29 April 2015 (request for a preliminary ruling from the Rechtbank te Rotterdam — Netherlands) — Nationale-Nederlanden Levensverzekering Mij NV v Hubertus Wilhelmus Van Leeuwen (Reference for a preliminary ruling — Direct life assurance — Directive 92/96/EEC — Article 31(3) — Information to be provided to the policyholder — Obligation for the insurer to provide further information on costs and premiums under general unwritten rules of national law)	4
2015/C 213/07	Case C-146/13: Judgment of the Court (Grand Chamber) of 5 May 2015 — Kingdom of Spain v European Parliament and Council of the European Union (Action for annulment — Implementing enhanced cooperation — Creation of unitary patent protection — Regulation (EU) No 1257/2012 — First paragraph of Article 118 TFEU — Legal basis — Article 291 TFEU — Delegation of powers to bodies outside the European Union — Principles of autonomy and uniform application of EU law) . .	5
2015/C 213/08	Case C-147/13: Judgment of the Court (Grand Chamber) of 5 May 2015 — Kingdom of Spain v Council of the European Union (Action for annulment — Implementing enhanced cooperation — Unitary patent — Regulation (EU) No 1260/2012 — Provisions concerning translation — Principle of non-discrimination — Article 291 TFEU — Delegation of powers to bodies outside the European Union — Second paragraph of Article 118 TFEU — Legal basis — Principle of autonomy of EU law)	5
2015/C 213/09	Case C-456/13 P: Judgment of the Court (Grand Chamber) of 28 April 2015 — T & L Sugars Ltd, Sidul Açúcares, Unipessoal Lda v European Commission, French Republic, Council of the European Union (Appeal — Action for annulment — Article 263, fourth paragraph, TFEU — Right to bring an action — Locus standi — Natural or legal persons — Regulatory act not entailing implementing measures — Act of individual concern to the appellants — Right to effective judicial protection — Exceptional measures relating to the release of out-of-quota sugar and isoglucose on the European Union market — Marketing year 2010/2011)	6
2015/C 213/10	Case C-528/13: Judgment of the Court (Fourth Chamber) of 29 April 2015 (request for a preliminary ruling from the Tribunal administratif, Strasbourg — France) — Geoffrey Léger v Ministre des Affaires sociales, de la Santé et des Droits des femmes, Établissement français du sang (Reference for a preliminary ruling — Public health — Directive 2004/33/EC — Technical requirements relating to blood and blood components — Blood donation — Eligibility criteria for blood donors — Criteria for permanent or temporary deferral — Persons whose sexual behaviour puts them at a high risk of acquiring severe infectious diseases that can be transmitted by blood — Man who has had sexual relations with another man — Charter of Fundamental Rights of the European Union — Articles 21(1) and 52(1) — Sexual orientation — Discrimination — Justification — Proportionality)	7
2015/C 213/11	Case C-674/13: Judgment of the Court (Second Chamber) of 6 May 2015 — European Commission v Federal Republic of Germany (Failure of a Member State to fulfil obligations — State aid incompatible with the internal market — Parcel service market — Commission decision — Obligation to recover the aid in full and to amend the scheme for the future — Measures to be taken — Article 108(2) TFEU — Regulation (EC) No 659/1999 — Article 14(3))	8
2015/C 213/12	Case C-80/14: Judgment of the Court (Fifth Chamber) of 30 April 2015 (request for a preliminary ruling from the Court of Appeal (England & Wales) (Civil Division) — United Kingdom) — Union of Shop, Distributive and Allied Workers (USDAW), B. Wilson v WW Realisation 1 Ltd, in liquidation, Ethel Austin Ltd, Secretary of State for Business, Innovation and Skills (Reference for a preliminary ruling — Social policy — Collective redundancies — Directive 98/59/EC — Article 1(1)(a) — Meaning of ‘establishment’ — Method of calculating the number of workers made redundant)	8

2015/C 213/13	Case C-97/14: Judgment of the Court (Eighth Chamber) of 30 April 2015 (request for a preliminary ruling from the Gyulai Közigazgatási és Munkaügyi Bíróság (Hungary)) — SMK kft v Nemzeti Adó- és Vámhivatal Dél-alföldi Regionális Adó Főigazgatósága, Nemzeti Adó- és Vámhivatal (Reference for a preliminary ruling — Common system of value added tax — Directive 2006/112/EC — Articles 52(c) and 55 — Determination of the place of supply of services — Recipient of the service identified for value added tax purposes in several Member States — Dispatch or transport out of the Member State in which the service has been physically carried out)	9
2015/C 213/14	Case C-148/14: Judgment of the Court (Second Chamber) of 29 April 2015 (request for a preliminary ruling from the Bundesverwaltungsgericht — Germany) — Bundesrepublik Deutschland v Nordzucker AG (Reference for a preliminary ruling — Environment — Directive 2003/87/EC — Greenhouse gas emission allowance trading scheme in the European Union — Determination of the extent of the obligation to surrender allowances — Penalties — Article 16(1) and (3))	10
2015/C 213/15	Case C-598/13: Order of the Court (Ninth Chamber) of 22 April 2015 (request for a preliminary ruling from the Curtea de Apel Suceava — Romania) — Casa Județeană de Pensii Botoșani v Polixeni Guletsou (Reference for a preliminary ruling — Article 99 of the Rules of Procedure of the Court — Identical question referred — Social security for migrant workers — Regulation (EEC) No 1408/71 — Article 7(2)(c) — Applicability of social security conventions between Member States — Repatriated refugee whose country of origin is a Member State — Completion of periods of employment in the territory of another Member State — Application for grant of an old-age benefit — Refusal)	10
2015/C 213/16	Case C-646/13: Order of the Court (Ninth Chamber) of 22 April 2015 (request for a preliminary ruling from the Curtea de Apel Galați — Romania) — Casa Județeană de Pensii Brăila v E.S. (Reference for a preliminary ruling — Article 99 of the Rules of Procedure of the Court — Social security for migrant workers — Regulation (EC) No 883/2004 — Article 8(1) — Applicability of social security conventions between Member States — Repatriated refugee originating in a Member State — Completion of periods of employment within the territory of another Member State — Application for the grant of an old-age benefit — Application refused)	11
2015/C 213/17	Case C-668/13: Order of the Court (Ninth Chamber) of 22 April 2015 (request for a preliminary ruling from the Curtea de Apel Suceava — Romania) — Casa Județeană de Pensii Botoșani v Evangeli Paraskevopoulou (Reference for a preliminary ruling — Article 99 of the Rules of Procedure of the Court — Identical question referred — Social security for migrant workers — Regulation (EEC) No 1408/71 — Article 7(2)(c) — Applicability of social security conventions between Member States — Repatriated refugee whose country of origin is a Member State — Completion of periods of employment in the territory of another Member State — Application for grant of an old-age benefit — Refusal)	12
2015/C 213/18	Case C-35/14 P: Order of the Court (Third Chamber) of 12 February 2015 — Enercon GmbH v Gamesa Eólica SL, Office for Harmonisation in the Internal Market (Trade Marks and Designs) (Appeal — Community trade mark — Appeal brought by an ‘other party to the proceedings before the Board of Appeal’ which did not lodge a response before the General Court — Not an intervener before the General Court — Appeal manifestly inadmissible)	12
2015/C 213/19	Case C-491/14: Order of the Court (Third Chamber) of 10 March 2015 (request for a preliminary ruling from the Juzgado de lo Mercantil No 3 de Madrid — Spain) — Rosa dels Vents Assessoria SL v U Hostels Albergues Juveniles SL (Reference for a preliminary ruling — Article 99 of the Court’s Rules of Procedure — Trade marks — Directive 2008/95/EC — Article 5(1) — Concept of ‘third party’ — Proprietor of a later trade mark)	13
2015/C 213/20	Case C-497/14: Order of the Court (Ninth Chamber) of 15 April 2015 (request for a preliminary ruling from the Tribunale ordinario di Torino — Italy) — Criminal proceedings against Stefano Burzio (Reference for a preliminary ruling — Charter of Fundamental Rights of the European Union — Article 50 — Principle of ne bis in idem — National legislation providing for an administrative penalty and a criminal penalty for failure to pay withholding taxes — No implementation of EU law — Clear lack of jurisdiction).	13

2015/C 213/21	Case C-83/15: Request for a preliminary ruling from the Landgericht Hannover (Germany) lodged on 23 February 2015 — TUIfly GmbH v Wieland Volkert, Sonja Volkert, Linda Volkert.	14
2015/C 213/22	Case C-120/15: Request for a preliminary ruling from the Krajský súd v Košiciach (Slovakia) lodged on 9 March 2015 — Kovozber s.r.o. v Daňový úrad Košice.	14
2015/C 213/23	Case C-123/15: Request for a preliminary ruling from the Bundesfinanzhof (Deutschland) lodged on 12 March 2015 — Max-Heinz Feilen v Finanzamt Fulda.	15
2015/C 213/24	Case C-148/15: Request for a preliminary ruling from the Oberlandesgericht Düsseldorf (Germany) lodged on 30 March 2015 — Deutsche Parkinson Vereinigung e.V. v Zentrale zur Bekämpfung unlauteren Wettbewerbs e.V..	15
2015/C 213/25	Case C-149/15: Request for a preliminary ruling from the Cour d'appel de Liège (Belgium) lodged on 30 March 2015 — Sabrina Wathelet v Garage Bietheres & Fils SPRL.	16
2015/C 213/26	Case C-171/15: Request for a preliminary ruling from the Hoge Raad der Nederlanden (Netherlands) lodged on 15 April 2015 — Connexxion Taxi Services BV v Staat der Nederlanden (Ministerie van Volksgezondheid, Welzijn en Sport) and Others.	16
2015/C 213/27	Case C-174/15: Request for a preliminary ruling from the Rechtbank Den Haag (Netherlands) lodged on 17 April 2015 — Vereniging Openbare Bibliotheken v Stichting Leenrecht; interveners: Nederlands Uitgeversverbond and Others.	17
2015/C 213/28	Case C-177/15: Request for a preliminary ruling from the Bundesgerichtshof (Germany) lodged on 21 April 2015 — Nelsons GmbH v Ayonnax Nutripharm GmbH, Bachblütentreff Ltd.	18
2015/C 213/29	Case C-196/15: Request for a preliminary ruling from the Cour d'appel de Paris (France) lodged on 29 April 2015 — Granarolo SpA v Ambrosi Emmi France SA.	19
2015/C 213/30	Case C-320/13: Order of the President of the Court of 30 March 2015 — European Commission v Republic of Poland, intervention: Kingdom of the Netherlands.	20
2015/C 213/31	Case C-548/13: Order of the President of the Court of 16 April 2015 (request for a preliminary ruling from the Juzgado de Primera Instancia e Instrucción No 2 de Marchena — Spain) — Caixabank SA v Francisco Javier Brenes Jiménez, Andrea Jiménez Jiménez.	20
2015/C 213/32	Case C-75/14: Order of the President of the Court of 18 March 2015 (request for a preliminary ruling from the Juzgado de Primera Instancia e Instrucción No 3 de Ávila — Spain) — Banco de Caja España de Inversiones, Salamanca y Soria, SA v Francisco Javier Rodríguez Barbero, María Ángeles Barbero Gutiérrez.	20
2015/C 213/33	Case C-77/14: Order of the President of the Court of 27 February 2015 — European Commission v Hellenic Republic.	20
2015/C 213/34	Case C-162/14: Order of the President of the Court of 23 March 2015 — European Commission v Republic of Poland.	21
2015/C 213/35	Case C-176/14: Order of the President of the Third Chamber of the Court of 16 March 2015 (request for a preliminary ruling from the Raad van State — Belgium) — Joris Van Hauthem, Ann Frans v Vlaamse Gemeenschap.	21
2015/C 213/36	Case C-217/14: Order of the President of the Court of 14 April 2015 — European Commission v Ireland, intervenors: Kingdom of the Netherlands, United Kingdom of Great Britain and Northern Ireland.	21

2015/C 213/37	Case C-372/14: Order of the President of the Court of 30 March 2015 (request for a preliminary ruling from the Krajský súd v Prešove — Slovakia) — Provident Financial s. r. o. v Zdeněk Sobotka, in the presence of: Združenie na ochranu občana spotrebiteľa HOOS.	21
2015/C 213/38	Case C-426/14: Order of the President of the Court of 19 March 2015 (request for a preliminary ruling from the Tribunale Amministrativo Regionale per il Piemonte — Italy) — Heart Life Croce Amica Srl v Regione Piemonte.	22
2015/C 213/39	Case C-447/14 P: Order of the President of the Court of 12 March 2015 — Zweckverband Tierkörperbeseitigung in Rheinland-Pfalz, im Saarland, im Rheingau-Taunus-Kreis und im Landkreis Limburg-Weilburg, in liquidation v European Commission, Saria Bio-Industries AG & Co. KG, SecAnim GmbH, Knochen-und Fett-Union GmbH (KFU)	22
2015/C 213/40	Case C-536/14: Order of the President of the Court of 14 April 2015 — European Commission v Grand Duchy of Luxembourg	22
2015/C 213/41	Case C-612/14: Order of the President of the Court of 27 February 2015 (request for a preliminary ruling from the Handelsgericht Wien — Austria) — Stephan Naumann v Austrian Airlines AG.	22
2015/C 213/42	Case C-7/15: Order of the President of the Court of 10 March 2015 (request for a preliminary ruling from the Landgericht Essen — Germany) — Staatsanwaltschaft Essen v Kanapathippilai Kanageswaran	23

General Court

2015/C 213/43	Case T-511/09: Judgment of the General Court of 13 May 2015 — Niki Luftfahrt v Commission (State aid — Restructuring aid granted by Austria to the Austrian Airlines group — Decision declaring the aid compatible with the common market, subject to compliance with certain conditions — Privatisation of the Austrian Airlines group — Determination of the recipient of the aid — Guidelines for State aid for the rescue and restructuring of undertakings in difficulty)	24
2015/C 213/44	Case T-162/10: Judgment of the General Court of 13 May 2015 — Niki Luftfahrt v Commission (Competition — Mergers — Air transport — Decision declaring the merger compatible with the common market — Assessment of the effects of the merger on competition — Undertakings)	24
2015/C 213/45	Case T-480/11: Judgment of the General Court of 12 May 2015 — Technion and Technion Research & Development Foundation v Commission (Access to documents — Regulation (EC) No 1049/2001 — Documents taken into consideration in the context of a financial audit on the performance of certain research contracts concluded during the course of the sixth framework programme for research, technological development and demonstration activities — Refusal to grant access — Exception relating to the protection of the purpose of inspections, investigations and audits — Obligation to carry out a concrete and individual examination — Overriding public interest).	25
2015/C 213/46	Case T-163/12: Judgment of the General Court of 12 May 2015 — Ternavsky v Council (Common foreign and security policy — Restrictive measures against Belarus — Freezing of funds — Restrictions on entry into and transit through the territory of the European Union — Error of assessment)	26
2015/C 213/47	Case T-363/12: Judgment of the General Court of 13 May 2015 — Harper Hygienics v OHIM — Clinique Laboratories (CLEANIC natural beauty) (Community trade mark — Opposition proceedings — Application for the Community figurative mark CLEANIC natural beauty — Earlier Community word marks CLINIQUE — Relative grounds for refusal — Likelihood of confusion — Similarity of the goods and services — Article 8(1)(b) of Regulation (EC) No 207/2009 — Unfair advantage taken of the distinctive character or the repute of the earlier marks — Article 8(5) of Regulation No 207/2009).	27

2015/C 213/48	Case T-364/12: Judgment of the General Court of 13 May 2015 — Harper Hygienics v OHIM — Clinique Laboratories (CLEANIC Kindii) (Community trade mark — Opposition proceedings — Application for the Community figurative mark CLEANIC Kindii — Earlier Community word marks CLINIQUE — Relative grounds for refusal — Likelihood of confusion — Similarity of the goods and services — Article 8(1)(b) of Regulation (EC) No 207/2009 — Unfair advantage taken of the distinctive character or the repute of the earlier marks — Article 8(5) of Regulation No 207/2009)	28
2015/C 213/49	Case T-397/12: Judgment of the General Court of 19 May 2015 — Diputación Foral de Bizkaia v Commission (State aid — Construction — Aid provided by the Spanish authorities to the company Habidite — Agreements concluded with a view to the establishment of a factory manufacturing construction modules and the delivery of modular houses manufactured by that factory — Decision declaring the aid unlawful — Decision declaring the aid partly compatible and partly incompatible with the internal market — No prior notification — Rights of the defence — Obligation to give reasons) .	28
2015/C 213/50	Case T-562/12: Judgment of the General Court of 12 May 2015 — Dalli v Commission (Member of the Commission — OLAF investigation — Alleged oral decision of the President of the Commission to require the resignation of the person concerned — Action for annulment — No actionable measure — Inadmissibility — Action for damages)	29
2015/C 213/51	Case T-15/13: Judgment of the General Court of 13 May 2015 — Group Nivelles v OHIM — Easy Sanitary Solutions (Shower drain conduit) (Community design — Invalidity proceedings — Registered design representing a shower drain conduit — Earlier design — Grounds for invalidity — Novelty — Individual character — Visible characteristic of the earlier design — Goods at issue — Articles 4 to 7, 19 and 25(1)(b) of Regulation (EC) No 6/2002)	30
2015/C 213/52	Case T-363/13: Judgment of the General Court of 13 May 2015 — Harper Hygienics v OHIM — Clinique Laboratories (CLEANIC intimate) (Community trade mark — Opposition proceedings — Application for the Community figurative mark CLEANIC intimate — Earlier Community word marks CLINIQUE — Relative grounds for refusal — Likelihood of confusion — Similarity of the goods and services — Article 8(1)(b) of Regulation (EC) No 207/2009 — Unfair advantage taken of the distinctive character or the repute of the earlier marks — Article 8(5) of Regulation No 207/2009)	30
2015/C 213/53	Case T-607/13: Judgment of the General Court of 19 May 2015 — Granette & Starorežná Distilleries v OHIM — Bacardi (42 VODKA JEMNÁ VODKA VYRÁBĚNÁ JEDINEČNOU TECHNOLOGIÍ 42 % vol.) (Community trade mark — Opposition proceedings — Application for Community figurative mark 42 VODKA JEMNÁ VODKA VYRÁBĚNÁ JEDINEČNOU TECHNOLOGIÍ 42 % vol — Earlier international figurative mark 42 BELOW — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)	31
2015/C 213/54	Case T-608/13: Judgment of the General Court of 13 May 2015 — easyGroup IP Licensing v OHIM — Tui (easyAir-tours) (Community trade mark — Opposition proceedings — Application for the Community figurative mark easyAir-tours — Earlier national figurative mark airtours Ticket Factory — Relative ground for refusal — Article 8(1)(b) of Regulation (EC) No 207/2009 — No similarity between the signs — No likelihood of confusion — Power to alter decisions — Article 65(3) of Regulation No 207/2009)	32

2015/C 213/55	Case T-623/13: Judgment of the General Court of 12 May 2015 — Unión de Almacenistas de Hierros de España v Commission (Access to documents — Regulation (EC) No 1049/2001 — Documents concerning two national competition procedures — Documents submitted to the Commission by a national authority within the framework of cooperation provided for by EU law — Refusal of access — Exception related to the protection of the purpose of inspections, investigations and audits — Exception related to the protection of the commercial interests of a third party — No obligation for the Institution concerned to carry out a specific and individual examination of the content of the documents concerned in the request for access when the investigation at issue is definitively closed — No need for an organisational measure in the procedure requesting the documents at issue — Failure to take account of the special situation of the applicant).	33
2015/C 213/56	Case T-51/14: Judgment of the General Court of 12 May 2015 — Czech Republic v Commission (System of traditional specialities guaranteed — Regulation (EU) No 1151/2012 — Rejection of the request for registration of the name ‘pomazánkové máslo’ (spreadable butter) as a traditional speciality guaranteed — Relationship with the provisions of Regulation (EC) No 1234/2007 specifying the conditions for the use of the sales description ‘butter’)	33
2015/C 213/57	Case T-71/14: Judgment of the General Court of 19 May 2015 — Swatch v OHIM — Panavision Europe (SWATCHBALL) (Community trade mark — Opposition proceedings — Application for Community word mark SWATCHBALL — Community word and figurative marks and international word and figurative marks SWATCH and swatch — Relative ground for refusal — Damage to reputation — Article 8(5) of Regulation (EC) No 207/2009).	34
2015/C 213/58	Case T-102/14: Judgment of the General Court of 13 May 2015 — Deutsche Post v OHIM — PostNL Holding (TPG POST) (Community trade mark — Opposition proceedings — Application for Community word mark TPG POST — Earlier national and Community word marks POST and Deutsche Post — Relative ground for refusal — No likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009).	35
2015/C 213/59	Case T-169/14: Judgment of the General Court of 13 May 2015 — Ferring v OHIM — Kora (Koragel) (Community trade mark — Opposition proceedings — Application for Community word mark Koragel — Earlier Community word mark CHORAGON — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009).	35
2015/C 213/60	Case T-250/14: Order of the General Court of 30 April 2015 — EEB v Commission (Action for annulment — Access to documents — Regulation (EC) No 1049/2001 — Correspondence between the Commission and two Member States regarding the implementation of a Transitional National Plan (TNP) under Directive 2010/75/EU — Implied refusal of access — No need to adjudicate — New claims — Inadmissibility).	36
2015/C 213/61	Case T-115/15 R: Order of the General Court of 6 May 2015 — Deza v ECHA (Interim measures — REACH — Entry of the chemical substance di-(2-ethylhexyl)phthalate (DEHP) in the candidate list — Application for suspension of operation — No urgency).	36
2015/C 213/62	Case T-141/15: Action brought on 27 March 2015 — Czech Republic v Commission.	37
2015/C 213/63	Case T-147/15: Action brought on 30 March 2015 — Czech Republic v Commission.	38
2015/C 213/64	Case T-228/15: Action brought on 8 May 2015 — Grupo de originación y análisis v OHIM — Bankinter (BK PARTNERS).	39
2015/C 213/65	Case T-231/15: Action brought on 5 May 2015 — Haswani v Council.	40
2015/C 213/66	Case T-233/15: Action brought on 11 May 2015 — Cofra v OHIM — Armand Thiery (1841).	40
2015/C 213/67	Case T-25/14: Order of the General Court of 4 May 2015 — Spain v Commission.	41

European Union Civil Service Tribunal

2015/C 213/68	Case F-79/13: Judgment of the Civil Service Tribunal (Second Chamber) of 18 May 2015 — Gyarmathy v EMCDDA (Civil service — EMCDDA staff — Temporary staff — Decision not to renew a contract of employment — Psychological harassment — Request for assistance — Administrative inquiry — Judgment by default — Examination of the admissibility of the application — Act adversely affecting the applicant — Inadmissibility — Allocation of costs)	42
2015/C 213/69	Case F-11/14: Judgment of the Civil Service Tribunal (Second Chamber) of 18 May 2015 — Dupré v EEAS (Civil service — Staff of the EEAS — Member of the temporary staff — Article 98 of the Staff Regulations — Article 2(e) of the CEOS — Contract of employment — Grading — Plea of illegality of the vacancy notice — Post at grade AD 5 open to staff from national diplomatic services and to officials of grades AD 5 to AD 14 — Principle of correspondence between the grade and the post — Judgment by default).	42
2015/C 213/70	Case F-36/14: Judgment of the Civil Service Tribunal (Second Chamber) of 18 May 2015 — Bischoff v Commission (Civil service — Officials — Compulsory retirement — Article 23(1) of Annex XIII to the Staff Regulations — Retirement age — Refusal to extend the period of activity — Second paragraph of Article 52 of the Staff Regulations — Interest of the service).	43
2015/C 213/71	Case F-44/14: Judgment of the Civil Service Tribunal (First Chamber) of 18 May 2015 — Pohjanmäki v Council (Civil service — Officials — Promotion — Consideration of comparative merits — Respective roles of the Appointing Authority and of the JCC — Absence of staff reports — Failure by members of the JCC to consult staff reports — Compatibility of the functions of the rapporteur with the JCC and of the former assessor — Manifest error of assessment — Seniority in grade — Level of responsibilities exercised — Duty of care)	44
2015/C 213/72	Case F-59/14: Judgment of the Civil Service Tribunal (First Chamber) of 19 May 2015 — Brune v Commission (Civil Service — Open competition EPSO/AD/26/05 — Non-inclusion on the reserve list — Annulment by the General Court — Article 266 TFEU — Organisation of another oral test — Refusal by the candidate to participate — New decision not to include the candidate on the reserve list — Action for annulment — Dismissal — Judgment of the General Court upheld on appeal — Later application for compensation — Observance of reasonable time-limit)	44
2015/C 213/73	Case F-55/15: Action brought on 16 April 2015 — ZZ v Commission.	45
2015/C 213/74	Case F-56/15: Action brought on 17 April 2015 — ZZ and ZZ v Commission	46
2015/C 213/75	Case F-57/15: Action brought on 20 April 2015 — ZZ v European Commission	46
2015/C 213/76	Case F-58/15: Action brought on 20 April 2015 — ZZ v European Commission	47
2015/C 213/77	Case F-59/15: Action brought on 21 April 2015 — ZZ v Commission.	48
2015/C 213/78	Case F-60/15: Action brought on 22 April 2015 — ZZ v OHIM	48
2015/C 213/79	Case F-62/15: Action brought on 23 April 2015 — ZZ and ZZ v Parliament	49
2015/C 213/80	Case F-66/15: Action brought on 24 April 2015 — ZZ and ZZ v European Economic and Social Committee	50
2015/C 213/81	Case F-67/15: Action brought on 24 April 2015 — ZZ v European Commission	50

IV

*(Notices)*NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND
AGENCIES

COURT OF JUSTICE OF THE EUROPEAN UNION

Last publications of the Court of Justice of the European Union in the *Official Journal of the European Union*

(2015/C 213/01)

Last publication

OJ C 205, 22.6.2015

Past publications

OJ C 198, 15.6.2015

OJ C 190, 8.6.2015

OJ C 178, 1.6.2015

OJ C 171, 26.5.2015

OJ C 155, 11.5.2015

OJ C 146, 4.5.2015

These texts are available on:

EUR-Lex: <http://eur-lex.europa.eu>

GENERAL COURT

Method of designation of the Judge replacing a Judge prevented from acting

(2015/C 213/02)

On 13 May 2015, the General Court, considering the forthcoming entry into force on 1 July 2015 of the Rules of Procedure of 4 March 2015, decided that, with effect from 1 July 2015, where a Judge is prevented from acting in the circumstances referred to in Article 17(2) and Article 24(2) respectively of the Rules of Procedure, the President of the General Court is to designate the Judge replacing the Judge prevented from acting following the order laid down in Article 8 of the Rules of Procedure, with the exception of the Vice-President and the Presidents of Chambers. However, in order to ensure an even spread of the workload, the President of the General Court may derogate from that order.

Having regard to any urgency and to special circumstances, the President of the General Court may designate himself to replace the Judge who is prevented from acting.

Composition of the Grand Chamber

(2015/C 213/03)

On 13 May 2015, the General Court, considering the forthcoming entry into force on 1 July 2015 of the Rules of Procedure of 4 March 2015, decided that, for the period from 1 July 2015 to 31 August 2016, in accordance with Article 15(2) of the Rules of Procedure, the fifteen Judges of which the Grand Chamber is composed are to be the President of the General Court, the Vice-President, the eight Presidents of Chambers, the two Judges sitting in the formation of three Judges initially seised of the case, the two Judges who would additionally have had to sit in the case in question if it had been assigned to a Chamber of five Judges, and another Judge. The latter is to be designated according to the order laid down in Article 8 of the Rules of Procedure.

Revocation of the decision of 23 September 2013 designating the Judge replacing the President of the General Court as the Judge hearing applications for interim measures

(2015/C 213/04)

On 13 May 2015, the General Court, considering the forthcoming entry into force on 1 July 2015 of the Rules of Procedure of 4 March 2015, decided, in the light of Article 157(4) of those Rules, to revoke with effect from 1 July 2015 the decision of 23 September 2013 designating Judge Forwood to replace the President of the General Court for the purpose of deciding applications for interim measures where the latter is absent or prevented from dealing with them, for the period from 23 September 2013 to 31 August 2016 (OJ 2013 C 313, p. 5).

V

(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Judgment of the Court (Grand Chamber) of 28 April 2015 — European Commission v Council of the European Union(Case C-28/12) ⁽¹⁾

(Action for annulment — Mixed international agreements — Decision authorising the signing of those agreements and providing for their provisional application — Decision of the Council and of the Representatives of the Governments of the Member States meeting within the Council — Autonomy of the EU legal order — Participation of the Member States in the procedure and decision provided for in Article 218 TFEU — Voting arrangements within the Council)

(2015/C 213/05)

Language of the case: English

Parties

Applicant: European Commission (represented by: G. Valero Jordana, K. Simonsson and S. Bartelt, acting as Agents)

Intervener in support of the applicant: European Parliament (represented by: R. Passos and A. Auersperger Matić, acting as Agents)

Defendant: Council of the European Union (represented by: M.-M. Joséphidès, E. Karlsson, F. Naert and R. Szostak, acting as Agents)

Interveners in support of the defendant: Czech Republic (represented by: M. Smolek and E. Ruffer, acting as Agents), Kingdom of Denmark (represented by: U. Melgaard and L. Volck Madsen, acting as Agents), Federal Republic of Germany (represented by: T. Henze, N. Graf Vitzthum and B. Beutler, acting as Agents), Hellenic Republic (represented by: A. Samoni-Rantou and S. Khala, acting as Agents), French Republic (represented by: G. de Bergues, F. Fize, D. Colas and N. Rouam, acting as Agents), Italian Republic (represented by: G. Palmieri, acting as Agent, and P. Gentili, avvocato dello Stato), Kingdom of the Netherlands (represented by: C. Wissels and J. Langer, acting as Agents), Republic of Poland (represented by: B. Majczyna and M. Szpunar, acting as Agents), Portuguese Republic (represented by: L. Inez Fernandes and M.-L. Duarte, acting as Agents), Republic of Finland (represented by: J. Heliskoski, acting as Agent), Kingdom of Sweden (represented by: A. Falk, acting as Agent), United Kingdom of Great Britain and Northern Ireland (represented by: C. Murrell and L. Christie, acting as Agents, and R. Palmer, Barrister)

Operative part of the judgment

The Court:

1. Annuls Decision 2011/708/EU of the Council and of the Representatives of the Governments of the Member States of the European Union, meeting within the Council, of 16 June 2011, on the signing, on behalf of the Union, and provisional application of the Air Transport Agreement between the United States of America, of the first part, the European Union and its Member States, of the second part, Iceland, of the third part, and the Kingdom of Norway, of the fourth part; and on the signing, on behalf of the Union, and provisional application of the Ancillary Agreement between the European Union and its Member States, of the first part, Iceland, of the second part, and the Kingdom of Norway, of the third part, on the application of the Air Transport Agreement between the United States of America, of the first part, the European Union and its Member States, of the second part, Iceland, of the third part, and the Kingdom of Norway, of the fourth part;

2. Maintains the effects of Decision 2011/708 until the entry into force, within a reasonable period from the delivery of the present judgment, of a new decision that is to be adopted by the Council of the European Union pursuant to Article 218(5) and (8) TFEU;
3. Orders the Council of the European Union to pay the costs;
4. Orders the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the French Republic, the Italian Republic, the Kingdom of the Netherlands, the Republic of Poland, the Portuguese Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland and the European Parliament to bear their own costs.

⁽¹⁾ OJ C 73, 10.3.2012.

**Judgment of the Court (Fifth Chamber) of 29 April 2015 (request for a preliminary ruling from the
Rechtbank te Rotterdam — Netherlands) — Nationale-Nederlanden Levensverzekering Mij NV v
Hubertus Wilhelmus Van Leeuwen**

(Case C-51/13) ⁽¹⁾

**(Reference for a preliminary ruling — Direct life assurance — Directive 92/96/EEC — Article 31(3) —
Information to be provided to the policyholder — Obligation for the insurer to provide further information
on costs and premiums under general unwritten rules of national law)**

(2015/C 213/06)

Language of the case: Dutch

Referring court

Rechtbank te Rotterdam

Parties to the main proceedings

Applicant: Nationale-Nederlanden Levensverzekering Mij NV

Defendant: Hubertus Wilhelmus Van Leeuwen

Operative part of the judgment

1. Article 31(3) of Council Directive 92/96/EEC of 10 November 1992 on the coordination of laws, regulations and administrative provisions relating to direct life assurance and amending Directives 79/267/EEC and 90/619/EEC (third life assurance directive) must be interpreted as not precluding an insurance company, on the basis of general principles of domestic law such as the 'open and/or unwritten rules' at issue in the main proceedings, from being required to send to policyholders certain information additional to that listed in Annex II to that directive, provided that the information required is clear, accurate and necessary for the policyholder to understand the essential characteristics of the commitment and that it ensures a sufficient level of legal certainty, which it is for the referring court to ascertain;
2. The consequences under domestic law of a failure to provide that information are, in principle, irrelevant as regards the conformity of the obligation to provide information with Article 31(3) of Directive 92/96.

⁽¹⁾ OJ C 141, 18.5.2013.

Judgment of the Court (Grand Chamber) of 5 May 2015 — Kingdom of Spain v European Parliament and Council of the European Union

(Case C-146/13) ⁽¹⁾

(Action for annulment — Implementing enhanced cooperation — Creation of unitary patent protection — Regulation (EU) No 1257/2012 — First paragraph of Article 118 TFEU — Legal basis — Article 291 TFEU — Delegation of powers to bodies outside the European Union — Principles of autonomy and uniform application of EU law)

(2015/C 213/07)

Language of the case: Spanish

Parties

Applicant: Kingdom of Spain (represented by: E. Chamizo Llatas and S. Centeno Huerta, acting as Agents)

Defendants: European Parliament (represented by: M. Gómez-Leal, M. Dean and U. Rösslein, acting as Agents) and Council of the European Union (represented by: T. Middleton, F. Florindo Gijón, M. Balta and L. Grønfeldt, acting as Agents)

Interveners in support of the defendants: Kingdom of Belgium (represented by: C. Pochet, J.-C. Halleux and T. Materne, acting as Agents), Czech Republic (represented by: M. Smolek and J. Vlácil, acting as Agents), Kingdom of Denmark (represented by: C. Thorning and M. Wolff, acting as Agents), Federal Republic of Germany (represented by: T. Henze, M. Möller and J. Kemper, acting as Agents), French Republic (represented by: G. de Bergues, F.-X. Bréchet, D. Colas and N. Rouam, acting as Agents), Grand Duchy of Luxembourg, Hungary (represented by: M. Fehér and K. Szijjártó, acting as Agents), Kingdom of the Netherlands (represented by: M. Bulterman and J. Langer, acting as Agents), Kingdom of Sweden (represented by: A. Falk, C. Meyer-Seitz and U. Persson, acting as Agents), United Kingdom of Great Britain and Northern Ireland (represented by: M. Holt, acting as Agent, and by J. Stratford QC and T. Mitcheson, Barrister) and European Commission (represented by: I. Martínez del Peral, T. van Rijn, B. Smulders and F. Bulst, acting as Agents)

Operative part of the judgment

The Court:

- 1) *Dismisses the action;*
- 2) *Orders the Kingdom of Spain to bear its own costs and to pay the costs incurred by the European Parliament and the Council of the European Union;*
- 3) *Orders the Kingdom of Belgium, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the French Republic, the Grand Duchy of Luxembourg, Hungary, the Kingdom of the Netherlands, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland and the European Commission to bear their own costs.*

⁽¹⁾ OJ C 171, 15.6.2013.

Judgment of the Court (Grand Chamber) of 5 May 2015 — Kingdom of Spain v Council of the European Union

(Case C-147/13) ⁽¹⁾

(Action for annulment — Implementing enhanced cooperation — Unitary patent — Regulation (EU) No 1260/2012 — Provisions concerning translation — Principle of non-discrimination — Article 291 TFEU — Delegation of powers to bodies outside the European Union — Second paragraph of Article 118 TFEU — Legal basis — Principle of autonomy of EU law)

(2015/C 213/08)

Language of the case: Spanish

Parties

Applicant: Kingdom of Spain (represented by: E. Chamizo Llatas and S. Centeno Huerta, acting as Agents)

Defendant: Council of the European Union (represented by: T. Middleton, F. Florindo Gijón, M. Balta and L. Grønfeldt, acting as Agents)

Interveners in support of the defendant: Kingdom of Belgium (represented by C. Pochet, J.-C. Halleux and T. Materne, acting as Agents), Czech Republic (represented by M. Smolek and J. Vlácil, acting as Agents), Kingdom of Denmark (represented by C. Thorning and M. Wolff, acting as Agents), Federal Republic of Germany (represented by T. Henze, M. Möller and J. Kemper, acting as Agents), French Republic (represented by G. de Bergues, F.-X. Bréchet, D. Colas and N. Rouam, acting as Agents), Grand Duchy of Luxembourg, Hungary (represented by Z. Fehér and K. Szíjjártó, acting as Agents), Kingdom of the Netherlands (represented by M. Bulterman and J. Langer, acting as Agents), Kingdom of Sweden (represented by A. Falk and C. Meyer-Seitz, acting as Agents), United Kingdom of Great Britain and Northern Ireland (represented by M. Holt, acting as Agent, and by J. Stratford QC and T. Mitcheson, Barrister), European Parliament (represented by M. Gómez-Leal, U. Rösslein and M. Dean, acting as Agents), European Commission (represented by I. Martínez del Peral, T. van Rijn, B. Smulders and F. Bulst, acting as Agents)

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the Kingdom of Spain to bear its own costs and to pay the costs incurred by the Council of the European Union;
3. Orders the Kingdom of Belgium, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the French Republic, the Grand Duchy of Luxembourg, Hungary, the Kingdom of the Netherlands, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland, the European Parliament and the European Commission to bear their own costs.

⁽¹⁾ OJ C 171, 15.6.2013.

Judgment of the Court (Grand Chamber) of 28 April 2015 — T & L Sugars Ltd, Sidul Açúcares, Unipessoal Lda v European Commission, French Republic, Council of the European Union

(Case C-456/13 P) ⁽¹⁾

(Appeal — Action for annulment — Article 263, fourth paragraph, TFEU — Right to bring an action — Locus standi — Natural or legal persons — Regulatory act not entailing implementing measures — Act of individual concern to the appellants — Right to effective judicial protection — Exceptional measures relating to the release of out-of-quota sugar and isoglucose on the European Union market — Marketing year 2010/2011)

(2015/C 213/09)

Language of the case: English

Parties

Appellants: T & L Sugars Ltd, Sidul Açúcares, Unipessoal Lda (represented by: D. Waelbroeck, avocat, and D. Slater, Solicitor)

Other parties to the proceedings: European Commission (represented by: P. Ondrušek and P. Rossi, acting as Agents), French Republic (represented by: G. de Bergues, D. Colas and C. Candat, acting as Agents), Council of the European Union (represented by: É. Sitbon and A. Westerhof Löfflerová, acting as Agents)

Operative part of the judgment

The Court:

1. *Dismisses the appeal;*
2. *Orders T & L Sugars Ltd and Sidul Açúcares, Unipessoal Lda to pay the costs.*

⁽¹⁾ OJ C 325, 9.11.2013.

Judgment of the Court (Fourth Chamber) of 29 April 2015 (request for a preliminary ruling from the Tribunal administrative, Strasbourg — France) — Geoffrey Léger v Ministre des Affaires sociales, de la Santé et des Droits des femmes, Établissement français du sang

(Case C-528/13) ⁽¹⁾

(Reference for a preliminary ruling — Public health — Directive 2004/33/EC — Technical requirements relating to blood and blood components — Blood donation — Eligibility criteria for blood donors — Criteria for permanent or temporary deferral — Persons whose sexual behaviour puts them at a high risk of acquiring severe infectious diseases that can be transmitted by blood — Man who has had sexual relations with another man — Charter of Fundamental Rights of the European Union — Articles 21(1) and 52(1) — Sexual orientation — Discrimination — Justification — Proportionality)

(2015/C 213/10)

Language of the case: French

Referring court

Tribunal administrative, Strasbourg

Parties to the main proceedings

Applicant: Geoffrey Léger

Defendants: Ministre des Affaires sociales, de la Santé et des Droits des femmes, Établissement français du sang

Operative part of the judgment

Point 2.1 of Annex III to Commission Directive 2004/33/EC of 22 March 2004 implementing Directive 2002/98/EC of the European Parliament and of the Council as regards certain technical requirements for blood and blood components must be interpreted as meaning that the criterion for permanent deferral from blood donation in that provision relating to sexual behaviour covers the situation in which a Member State, having regard to the prevailing situation there, provides for a permanent contraindication to blood donation for men who have had sexual relations with other men where it is established, on the basis of current medical, scientific and epidemiological knowledge and data, that such sexual behaviour puts those persons at a high risk of acquiring severe infectious diseases and that, with due regard to the principle of proportionality, there are no effective techniques for detecting those infectious diseases or, in the absence of such techniques, any less onerous methods than such a counter indication for ensuring a high level of health protection of the recipients. It is for the referring court to determine whether, in the Member State concerned, those conditions are met.

⁽¹⁾ OJ C 367, 14.12.2013.

Judgment of the Court (Second Chamber) of 6 May 2015 — European Commission v Federal Republic of Germany

(Case C-674/13) ⁽¹⁾

(Failure of a Member State to fulfil obligations — State aid incompatible with the internal market — Parcel service market — Commission decision — Obligation to recover the aid in full and to amend the scheme for the future — Measures to be taken — Article 108(2) TFEU — Regulation (EC) No 659/1999 — Article 14(3))

(2015/C 213/11)

Language of the case: German

Parties

Applicant: European Commission (represented by: T. Maxian Rusche and R. Sauer, acting as Agents,

Defendant: Federal Republic of Germany (represented by: T. Henze and J. Möller, acting as Agents)

Operative part of the judgment

The Court:

1. Declares that, by refusing autonomously to delimit the market at issue in the context of Commission Decision 2012/636/EU of 25 January 2012 concerning measure C 36/07 (ex NN 25/07) implemented by Germany for Deutsche Post AG, in order to ascertain whether the parcel delivery service from one undertaking to another constituted, between 2003 and 2012, on the one hand, and with effect from 2012, on the other, a separate market in the goods at issue, the Federal Republic of Germany has failed to fulfil its obligations under Articles 108(2) TFEU and 14(3) of Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article [108 TFEU], and Articles 1 and 4 to 6 of that decision;
2. Orders the Federal Republic of Germany to pay the costs.

⁽¹⁾ OJ C 45, 15.2.2014.

Judgment of the Court (Fifth Chamber) of 30 April 2015 (request for a preliminary ruling from the Court of Appeal (England & Wales) (Civil Division) — United Kingdom) — Union of Shop, Distributive and Allied Workers (USDAW), B. Wilson v WW Realisation 1 Ltd, in liquidation, Ethel Austin Ltd, Secretary of State for Business, Innovation and Skills

(Case C-80/14) ⁽¹⁾

(Reference for a preliminary ruling — Social policy — Collective redundancies — Directive 98/59/EC — Article 1(1)(a) — Meaning of ‘establishment’ — Method of calculating the number of workers made redundant)

(2015/C 213/12)

Language of the case: English

Referring court

Court of Appeal (England and Wales) (Civil Division)

Parties to the main proceedings

Claimants/Respondents: Union of Shop, Distributive and Allied Workers (USDAW), B. Wilson

Defendants/Appellants: WW Realisation 1 Ltd, in liquidation, Ethel Austin Ltd, Secretary of State for Business, Innovation and Skills

Operative part of the judgment

The term 'establishment' in Article 1(1)(a)(ii) of Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies must be interpreted in the same way as the term in Article 1(1)(a)(i) of that directive.

Article 1(1)(a)(ii) of Directive 98/59 must be interpreted as not precluding national legislation that lays down an obligation to inform and consult workers in the event of the dismissal, within a period of 90 days, of at least 20 workers from a particular establishment of an undertaking, and not where the aggregate number of dismissals across all of the establishments or across some of the establishments of an undertaking over the same period reaches or exceeds the threshold of 20 workers.

⁽¹⁾ OJ C 151, 19.5.2014.

Judgment of the Court (Eighth Chamber) of 30 April 2015 (request for a preliminary ruling from the Gyulai Közigazgatási és Munkaügyi Bíróság (Hungary)) — SMK kft v Nemzeti Adó- és Vámhivatal Dél-alföldi Regionális Adó Főigazgatósága, Nemzeti Adó- és Vámhivatal

(Case C-97/14) ⁽¹⁾

(Reference for a preliminary ruling — Common system of value added tax — Directive 2006/112/EC — Articles 52(c) and 55 — Determination of the place of supply of services — Recipient of the service identified for value added tax purposes in several Member States — Dispatch or transport out of the Member State in which the service has been physically carried out)

(2015/C 213/13)

Language of the case: Hungarian

Referring court

Gyulai Közigazgatási és Munkaügyi Bíróság

Parties to the main proceedings

Applicant: SMK kft

Defendants: Nemzeti Adó- és Vámhivatal Dél-alföldi Regionális Adó Főigazgatósága, Nemzeti Adó- és Vámhivatal

Operative part of the judgment

Article 55 of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax, in the version in force until 1 January 2010, must be interpreted as not applying in circumstances such as those at issue in the main proceedings in which the recipient of the supplies of services was identified for VAT purposes both in the Member State in which the services were physically carried out and in another Member State, and later only in the other Member State, and the tangible movable property to which those services related was dispatched or transported out of the Member State in which the services were physically carried out not following the supplies of services but following the later sale of the goods.

⁽¹⁾ OJ C 142, 12.5.2014.

Judgment of the Court (Second Chamber) of 29 April 2015 (request for a preliminary ruling from the Bundesverwaltungsgericht — Germany) — Bundesrepublik Deutschland v Nordzucker AG

(Case C-148/14) ⁽¹⁾

(Reference for a preliminary ruling — Environment — Directive 2003/87/EC — Greenhouse gas emission allowance trading scheme in the European Union — Determination of the extent of the obligation to surrender allowances — Penalties — Article 16(1) and (3))

(2015/C 213/14)

Language of the case: German

Referring court

Bundesverwaltungsgericht

Parties to the main proceedings

Applicant: Bundesrepublik Deutschland

Defendant: Nordzucker AG

Operative part of the judgment

Article 16(3) of Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC, as amended by Directive 2004/101/EC of the European Parliament and of the Council of 27 October 2004, must be interpreted as meaning that it does not apply to an operator who surrenders a number of greenhouse gas emission allowances equal to the emissions for the preceding year as reported and verified in accordance with Article 15 of that directive, where it is established, following an additional verification carried out by the competent national authority after the expiry of the time-limit for surrender, that those emissions were understated, so that the number of allowances surrendered is insufficient;

It is for the Member States to determine the penalties which may be imposed in such a situation, in accordance with Article 16(1) of Directive 2003/87, as amended by Directive 2004/101.

⁽¹⁾ OJ C 235, 21.7.2014.

Order of the Court (Ninth Chamber) of 22 April 2015 (request for a preliminary ruling from the Curtea de Apel Suceava — Romania) — Casa Județeană de Pensii Botoșani v Polixeni Guletsou

(Case C-598/13) ⁽¹⁾

(Reference for a preliminary ruling — Article 99 of the Rules of Procedure of the Court — Identical question referred — Social security for migrant workers — Regulation (EEC) No 1408/71 — Article 7(2) (c) — Applicability of social security conventions between Member States — Repatriated refugee whose country of origin is a Member State — Completion of periods of employment in the territory of another Member State — Application for grant of an old-age benefit — Refusal)

(2015/C 213/15)

Language of the case: Romanian

Referring court

Curtea de Apel Suceava

Parties to the main proceedings

Applicant: Casa Județeană de Pensii Botoșani

Defendant: Polixeni Guletsou

Operative part of the order

Article 7(2)(c) of Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, in the version amended and updated by Council Regulation (EC) No 118/97 of 2 December 1996, as amended by Regulation (EC) No 1992/2006 of the European Parliament and of the Council of 18 December 2006, must be interpreted as meaning that a bilateral agreement, relating to the social security benefits of nationals of one of the signatory States having had the status of political refugees in the territory of the other signatory State, concluded on a date when one of the two signatory States had not yet acceded to the European Union and not appearing in Annex III to that regulation, does not continue to apply to the situation of political refugees repatriated to their State of origin before the bilateral agreement was concluded and that regulation entered into force.

⁽¹⁾ OJ C 24, 25.1.2014.

**Order of the Court (Ninth Chamber) of 22 April 2015 (request for a preliminary ruling from the
Curtea de Apel Galați — Romania) — Casa Județeană de Pensii Brăila v E.S.**

(Case C-646/13) ⁽¹⁾

(Reference for a preliminary ruling — Article 99 of the Rules of Procedure of the Court — Social security for migrant workers — Regulation (EC) No 883/2004 — Article 8(1) — Applicability of social security conventions between Member States — Repatriated refugee originating in a Member State — Completion of periods of employment within the territory of another Member State — Application for the grant of an old-age benefit — Application refused)

(2015/C 213/16)

Language of the case: Romanian

Referring court

Curtea de Apel Galați

Parties to the main proceedings

Appellant: Casa Județeană de Pensii Brăila

Respondent: E.S.

Operative part of the order

Article 8(1) of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, as amended by Regulation (EC) No 988/2009 of the European Parliament and of the Council of 16 September 2009, must be interpreted as meaning that a bilateral convention on social security benefits for nationals of one of the signatory States who had political-refugee status within the territory of the other signatory State, which was concluded at a date on which one of the two signatory States had not yet acceded to the European Union and which does not feature in Annex II to that regulation, does not remain applicable to the situation of political refugees repatriated to their State of origin prior to the conclusion of the bilateral convention and the entry into force of that regulation.

⁽¹⁾ OJ C 39, 8.2.2014.

Order of the Court (Ninth Chamber) of 22 April 2015 (request for a preliminary ruling from the Curtea de Apel Suceava — Romania) — Casa Judeţeană de Pensii Botoşani v Evangeli Paraskevopoulou

(Case C-668/13) ⁽¹⁾

(Reference for a preliminary ruling — Article 99 of the Rules of Procedure of the Court — Identical question referred — Social security for migrant workers — Regulation (EEC) No 1408/71 — Article 7(2) (c) — Applicability of social security conventions between Member States — Repatriated refugee whose country of origin is a Member State — Completion of periods of employment in the territory of another Member State — Application for grant of an old-age benefit — Refusal)

(2015/C 213/17)

Language of the case: Romanian

Referring court

Curtea de Apel Suceava

Parties to the main proceedings

Applicant: Casa Judeţeană de Pensii Botoşani

Defendant: Evangeli Paraskevopoulou

Operative part of the order

Article 7(2)(c) of Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, in the version amended and updated by Council Regulation (EC) No 118/97 of 2 December 1996, as amended by Regulation (EC) No 1992/2006 of the European Parliament and of the Council of 18 December 2006, must be interpreted as meaning that a bilateral agreement, relating to the social security benefits of nationals of one of the signatory States having had the status of political refugees in the territory of the other signatory State, concluded on a date when one of the two signatory States had not yet acceded to the European Union and not appearing in Annex III to that regulation, does not continue to apply to the situation of political refugees repatriated to their State of origin before the bilateral agreement was concluded and that regulation entered into force.

⁽¹⁾ OJ C 85, 22.3.2014.

Order of the Court (Third Chamber) of 12 February 2015 — Enercon GmbH v Gamesa Eólica SL, Office for Harmonisation in the Internal Market (Trade Marks and Designs)

(Case C-35/14 P) ⁽¹⁾

(Appeal — Community trade mark — Appeal brought by an ‘other party to the proceedings before the Board of Appeal’ which did not lodge a response before the General Court — Not an intervener before the General Court — Appeal manifestly inadmissible)

(2015/C 213/18)

Language of the case: English

Parties

Appellant: Enercon GmbH (represented by: J. Eberhardt, Rechtsanwalt)

Other parties to the proceedings: Gamesa Eólica SL (represented by: E. Armijo Chávarri, abogado), Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: A. Folliard-Monguiral, acting as Agent)

Operative part of the order

- 1) *The appeal is dismissed.*
- 2) *Enercon GmbH shall bear its own costs and pay those incurred by Gamesa Eólica SL.*
- 3) *The Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) shall bear its own costs.*

⁽¹⁾ OJ C 102, 7.4.2014.

Order of the Court (Third Chamber) of 10 March 2015 (request for a preliminary ruling from the Juzgado de lo Mercantil No 3 de Madrid — Spain) — Rosa dels Vents Assessoria SL v U Hostels Albergues Juveniles SL

(Case C-491/14) ⁽¹⁾

(Reference for a preliminary ruling — Article 99 of the Court’s Rules of Procedure — Trade marks — Directive 2008/95/EC — Article 5(1) — Concept of ‘third party’ — Proprietor of a later trade mark)

(2015/C 213/19)

Language of the case: Spanish

Referring court

Juzgado de lo Mercantil No 3 de Madrid

Parties to the main proceedings

Applicant: Rosa dels Vents Assessoria SL

Defendant: U Hostels Albergues Juveniles SL

Operative part of the order

Article 5(1) of Directive 2008/95/EC of the European Parliament and the Council, of 22 October 2008, to approximate the laws of the Member States relating to trade marks, must be interpreted as meaning that the exclusive right of the proprietor of a trade mark to prevent any third party from using, in course of trade, signs identical with or similar to his mark extends to a third-party proprietor of a later trade mark, without the need for that latter mark to have been declared invalid beforehand.

⁽¹⁾ OJ C 26, 26.1.2015.

Order of the Court (Ninth Chamber) of 15 April 2015 (request for a preliminary ruling from the Tribunale ordinario di Torino — Italy) — Criminal proceedings against Stefano Burzio

(Case C-497/14) ⁽¹⁾

(Reference for a preliminary ruling — Charter of Fundamental Rights of the European Union — Article 50 — Principle of ne bis in idem — National legislation providing for an administrative penalty and a criminal penalty for failure to pay withholding taxes — No implementation of EU law — Clear lack of jurisdiction)

(2015/C 213/20)

Language of the case: Italian

Referring court

Tribunale ordinario di Torino

Criminal proceedings against

Stefano Burzio

Operative part of the order

The Court of Justice of the European Union clearly lacks jurisdiction to reply to the question referred by the Tribunale ordinario di Torino (Italy), by decision of 27 October 2014.

⁽¹⁾ OJ C 34, 2.2.2015.

Request for a preliminary ruling from the Landgericht Hannover (Germany) lodged on 23 February 2015 — TUIfly GmbH v Wieland Volkert, Sonja Volkert, Linda Volkert

(Case C-83/15)

(2015/C 213/21)

Language of the case: German

Referring court

Landgericht Hannover

Parties to the main proceedings

Appellant and defendant: TUIfly GmbH

Respondents and applicants: Wieland Volkert, Sonja Volkert, Linda Volkert

The case was removed from the Register of the Court of Justice by order of the Court of 23 April 2015.

Request for a preliminary ruling from the Krajský súd v Košiciach (Slovakia) lodged on 9 March 2015 — Kovožber s.r.o. v Daňový úrad Košice

(Case C-120/15)

(2015/C 213/22)

Language of the case: Slovak

Referring court

Krajský súd v Košiciach

Parties to the main proceedings

Applicant: Kovožber s.r.o.

Defendant: Daňový úrad Košice

Questions referred

1. Must the first paragraph of Article 183 of Directive 2006/112/EC, as amended by Directive 2006/138/EC ⁽¹⁾, be interpreted as precluding national legislation which, in determining the conditions for refunding an excess deduction of value added tax, makes the award of default interest (on the delayed refund of value added tax) conditional on the expiry of a period of 10 days from completion of the tax inspection for ascertaining whether the claim to the refund of the excess deduction is justified?

2. If the answer to Question 1 is in the affirmative, is it for the national court, in the absence of national legislation on default interest after a period of 10 days from completion of a tax inspection, to determine by analogy, in its own discretion, appropriate legal rules on interest?

⁽¹⁾ OJ 2006 L 384, p. 92.

Request for a preliminary ruling from the Bundesfinanzhof (Deutschland) lodged on 12 March 2015 — Max-Heinz Feilen v Finanzamt Fulda

(Case C-123/15)

(2015/C 213/23)

Language of the case: German

Referring court

Bundesfinanzhof

Parties to the main proceedings

Applicant: Max-Heinz Feilen

Defendant: Finanzamt Fulda

Question referred

Does the free movement of capital under Article 63(1) in conjunction with Article 65 of the Treaty on the Functioning of the European Union preclude legislation of a Member State which provides for a reduction in inheritance tax in the case of an inheritance by persons in a particular tax class where the estate includes assets that were already acquired by persons in this tax class during the ten years prior to the acquisition and inheritance tax was assessed in the Member State in respect of this previous acquisition, whereas a tax reduction is excluded where inheritance tax was levied in another Member State in respect of the previous acquisition?

Request for a preliminary ruling from the Oberlandesgericht Düsseldorf (Germany) lodged on 30 March 2015 — Deutsche Parkinson Vereinigung e.V. v Zentrale zur Bekämpfung unlauteren Wettbewerbs e.V.

(Case C-148/15)

(2015/C 213/24)

Language of the case: German

Referring court

Oberlandesgericht Düsseldorf

Parties to the main proceedings

Applicant: Deutsche Parkinson Vereinigung e.V.

Defendant: Zentrale zur Bekämpfung unlauteren Wettbewerbs e.V.

Questions referred

1. Must Article 34 TFEU be interpreted as meaning that a system of fixed prices laid down by national law applicable to prescription-only medicinal products constitutes a measure having equivalent effect within the meaning of Article 34 TFEU?

2. If the Court answers Question 1 in the affirmative:

Is the system of fixed prices for prescription-only medicinal products justified under to Article 36 TFEU on grounds of the protection of health and life of humans if that system is the only means of ensuring a consistent supply of medicinal products to the population across the whole of Germany, in particular in rural areas?

3. If the Court also answers Question 2 in the affirmative:

What is the degree of judicial scrutiny required when determining whether the condition mentioned in Question 2 is in fact satisfied?

Request for a preliminary ruling from the Cour d'appel de Liège (Belgium) lodged on 30 March 2015 — Sabrina Wathelet v Garage Bietheres & Fils SPRL

(Case C-149/15)

(2015/C 213/25)

Language of the case: French

Referring court

Cour d'appel de Liège

Parties to the main proceedings

Applicant: Sabrina Wathelet

Defendant: Garage Bietheres & Fils SPRL

Question referred

Must the term 'seller' of consumer goods referred to in Article 1649bis of the Belgian Civil Code, as inserted by the Law of 1 September 1994 entitled 'Law concerning consumer protection in matters involving the sale of consumer goods', which transposes into Belgian law Directive 1999/44/EC of the European Parliament and of the Council of 25 May 1999 'on certain aspects of the sale of consumer goods and associated guarantees' ⁽¹⁾, be interpreted as covering not only a trader who, as seller, transfers ownership of consumer goods to a consumer, but also a trader who acts as intermediary for a non-trade seller, whether or not he is remunerated for his intervention and whether or not he has informed the prospective buyer that the seller is a private individual?

⁽¹⁾ Directive 1999/44/EC of the European Parliament and of the Council of 25 May 1999 on certain aspects of the sale of consumer goods and associated guarantees (OJ 1999 L 171, p. 12).

Request for a preliminary ruling from the Hoge Raad der Nederlanden (Netherlands) lodged on 15 April 2015 — Connexxion Taxi Services BV v Staat der Nederlanden (Ministerie van Volksgezondheid, Welzijn en Sport) and Others

(Case C-171/15)

(2015/C 213/26)

Language of the case: Dutch

Referring court

Hoge Raad der Nederlanden

Parties to the main proceedings

Appellant: Connexxion Taxi Services BV

Respondents: Staat der Nederlanden (Ministerie van Volksgezondheid, Welzijn en Sport), Transvision BV, Rotterdamse Mobiliteit Centrale RMC BV, Zorgvervoercentrale Nederland BV

Questions referred

- 1 (a) Does EU law, in particular Article 45(2) of Directive 2004/18/EC ⁽¹⁾ on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts, preclude national law from obliging a contracting authority to assess, by application of the principle of proportionality, whether a tenderer which is guilty of grave professional misconduct must indeed be excluded?
- (b) Is it significant in this regard that a contracting authority has stated in the tender conditions that a tender to which a ground for exclusion applies must be set aside and is not to be eligible for further substantive assessment?
2. If the answer to Question 1(a) is in the negative: does EU law preclude a situation in which the national courts fail to carry out an 'unrestricted' judicial review of an assessment conducted on the basis of the principle of proportionality, such as the assessment conducted by a contracting authority in the present case, but merely carry out a ('marginal') review as to whether the contracting authority could reasonably have come to the decision not to exclude a tenderer notwithstanding the fact that that tenderer was guilty of grave professional misconduct within the meaning of the first subparagraph of Article 45(2) of Directive 2004/18/EC?

⁽¹⁾ OJ 2004 L 134, p. 114.

Request for a preliminary ruling from the Rechtbank Den Haag (Netherlands) lodged on 17 April 2015 — Vereniging Openbare Bibliotheken v Stichting Leenrecht; interveners: Nederlands Uitgeversverbond and Others

(Case C-174/15)

(2015/C 213/27)

Language of the case: Dutch

Referring court

Rechtbank Den Haag

Parties to the main proceedings

Applicant: Vereniging Openbare Bibliotheken

Defendant: Stichting Leenrecht

Interveners: Nederlands Uitgeversverbond, Stichting LIRA, Stichting Pictoright

Questions referred

- 1) Are Articles 1(1), 2(1)(b) and 6(1) of Directive 2006/115 ⁽¹⁾ to be construed as meaning that 'lending' as referred to in those provisions also means making copyright-protected novels, collections of short stories, biographies, travelogues, children's books and youth literature available for use, not for direct or indirect economic or commercial advantage, via a publicly accessible establishment

— by placing a digital copy (reproduction A) on the server of the establishment and enabling a user to reproduce that copy by downloading it on to his/her own computer (reproduction B),

- in such a way that the copy made by the user when downloading (reproduction B) is no longer usable after a limited period, and
 - in such a way that other users cannot download the copy (reproduction A) on to their computers during that period?
- 2) If Question 1 is to be answered in the affirmative: does Article 6 of Directive 2006/115 and/or any other provision of EU law preclude Member States from imposing on the application of the restriction on the lending right included in Article 6 of Directive 2006/115 a condition that the copy of the work made available by the establishment (reproduction A) must have been brought into circulation by an initial sale or other transfer of ownership of that copy within the European Union by the rightholder or with his consent within the meaning of Article 4(2) of Directive 2001/29 ⁽²⁾?
- 3) If Question 2 is to be answered in the negative: does Article 6 of Directive 2006/115 lay down other requirements for the source of the copy (reproduction A) provided by the establishment, for instance the requirement that the copy was obtained from a lawful source?
- 4) If Question 2 is to be answered in the affirmative: is Article 4(2) of Directive 2001/29 to be construed as meaning that the initial sale or other transfer of ownership of material as referred to in that provision also means making available remotely by downloading, for use for an unlimited period, a digital copy of copyright-protected novels, collections of short stories, biographies, travelogues, children's books and youth literature?

⁽¹⁾ Directive 2006/115/EC of the European Parliament and of the Council of 12 December 2006 on rental right and lending right and on certain rights related to copyright in the field of intellectual property (codified version) (OJ 2006 L 376, p. 28).

⁽²⁾ Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (OJ 2001 L 167, p. 10).

**Request for a preliminary ruling from the Bundesgerichtshof (Germany) lodged on 21 April 2015 —
Nelsons GmbH v Ayonnax Nutripharm GmbH, Bachblütentreff Ltd**

(Case C-177/15)

(2015/C 213/28)

Language of the case: German

Referring court

Bundesgerichtshof

Parties to the main proceedings

Appellant on a point of law: Nelsons GmbH

Respondents in the appeal on a point of law: Ayonnax Nutripharm GmbH, Bachblütentreff Ltd

Questions referred

1. Are liquids with an alcohol content of 27 % by volume, which are described as spirit drinks and are sold through pharmacies in 10 ml or 20 ml dropper bottles or as sprays, beverages containing more than 1,2 % by volume of alcohol within the meaning of Article 4(3) of Regulation (EC) No 1924/2006 ⁽¹⁾, where, according to the dosage instructions given on the packaging,
- (a) four drops of the liquid are to be added to a glass of water and drunk at intervals over the course of the day or four drops are to be taken undiluted, as required,

(b) two sprays of the liquid sold in spray form are to be applied to the tongue?

2. If Questions 1(a) and 1(b) are to be answered in the negative:

Must evidence within the meaning of Article 5(1)(a) and Article 6(1) of Regulation (EC) No 1924/2006 be present also in the case of references to general, non-specific benefits within the meaning of Article 10(3) of that regulation?

3. Does the provision set out in the first half of the sentence contained in Article 28(2) of Regulation (EC) No 1924/2006 apply in the case where, prior to 1 January 2005, the product concerned was marketed under its brand name not as a foodstuff but as a medicinal product?

⁽¹⁾ Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods (OJ 2006 L 404, p. 9), as amended by Commission Regulation (EC) No 1047/2012 of 8 November 2012 (OJ 2012 L 310, p. 36).

**Request for a preliminary ruling from the Cour d'appel de Paris (France) lodged on 29 April 2015 —
Granarolo SpA v Ambrosi Emmi France SA**

(Case C-196/15)

(2015/C 213/29)

Language of the case: French

Referring court

Cour d'appel de Paris

Parties to the main proceedings

Applicant: Granarolo SpA

Defendant: Ambrosi Emmi France SA

Questions referred

- 1) Must Article 5(3) of Council Regulation (EC) No 44/2001 of 22 December 2000 ⁽¹⁾ be interpreted as meaning that an action for damages for the abrupt termination of an established business relationship for the supply of goods over several years to a retailer without a framework contract, nor an exclusivity agreement is a matter relating to tort?
- 2) If the answer to the first question is in the negative, is Article 5(1)(b) of that regulation applicable in determining the place of performance of the obligation at issue in Question 1?

⁽¹⁾ Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ 2001 L 12, p. 1).

Order of the President of the Court of 30 March 2015 — European Commission v Republic of Poland, intervention: Kingdom of the Netherlands

(Case C-320/13) ⁽¹⁾

(2015/C 213/30)

Language of the case: Polish

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

⁽¹⁾ OJ C 226, 3.8.2013.

Order of the President of the Court of 16 April 2015 (request for a preliminary ruling from the Juzgado de Primera Instancia e Instrucción No 2 de Marchena — Spain) — Caixabank SA v Francisco Javier Brenes Jiménez, Andrea Jiménez Jiménez

(Case C-548/13) ⁽¹⁾

(2015/C 213/31)

Language of the case: Spanish

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

⁽¹⁾ OJ C 24, 25.1.2014.

Order of the President of the Court of 18 March 2015 (request for a preliminary ruling from the Juzgado de Primera Instancia e Instrucción No 3 de Ávila — Spain) — Banco de Caja España de Inversiones, Salamanca y Soria, SA v Francisco Javier Rodríguez Barbero, María Ángeles Barbero Gutiérrez

(Case C-75/14) ⁽¹⁾

(2015/C 213/32)

Language of the case: Spain

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

⁽¹⁾ OJ C 135, 5.5.2014.

Order of the President of the Court of 27 February 2015 — European Commission v Hellenic Republic

(Case C-77/14) ⁽¹⁾

(2015/C 213/33)

Language of the case: Greek

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

⁽¹⁾ OJ C 102, 7.4.2014.

Order of the President of the Court of 23 March 2015 — European Commission v Republic of Poland**(Case C-162/14) ⁽¹⁾**

(2015/C 213/34)

Language of the case: Polish

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

⁽¹⁾ OJ C 202, 30.6.2014.

Order of the President of the Third Chamber of the Court of 16 March 2015 (request for a preliminary ruling from the Raad van State — Belgium) — Joris Van Hauthem, Ann Frans v Vlaamse Gemeenschap**(Case C-176/14) ⁽¹⁾**

(2015/C 213/35)

Language of the case: Dutch

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

⁽¹⁾ OJ C 235, 21.7.2014.

Order of the President of the Court of 14 April 2015 — European Commission v Ireland, intervenors: Kingdom of the Netherlands, United Kingdom of Great Britain and Northern Ireland**(Case C-217/14) ⁽¹⁾**

(2015/C 213/36)

Language of the case: English

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

⁽¹⁾ OJ C 223, 14.7.2014.

Order of the President of the Court of 30 March 2015 (request for a preliminary ruling from the Krajský súd v Prešove — Slovakia) — Provident Financial s. r. o. v Zdeněk Sobotka, in the presence of: Združenie na ochranu občana spotrebiteľa HOOS**(Case C-372/14) ⁽¹⁾**

(2015/C 213/37)

Language of the case: Slovak

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

⁽¹⁾ OJ C 380, 27.10.2014.

Order of the President of the Court of 19 March 2015 (request for a preliminary ruling from the Tribunale Amministrativo Regionale per il Piemonte — Italy) — Heart Life Croce Amica Srl v Regione Piemonte

(Case C-426/14) ⁽¹⁾

(2015/C 213/38)

Language of the case: Italian

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

⁽¹⁾ OJ C 431, 1.12.2014.

Order of the President of the Court of 12 March 2015 — Zweckverband Tierkörperbeseitigung in Rheinland-Pfalz, im Saarland, im Rheingau-Taunus-Kreis und im Landkreis Limburg-Weilburg, in liquidation v European Commission, Saria Bio-Industries AG & Co. KG, SecAnim GmbH, Knochen- und Fett-Union GmbH (KFU)

(Case C-447/14 P) ⁽¹⁾

(2015/C 213/39)

Language of the case: German

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

⁽¹⁾ OJ C 421, 24.11.2014.

Order of the President of the Court of 14 April 2015 — European Commission v Grand Duchy of Luxembourg

(Case C-536/14) ⁽¹⁾

(2015/C 213/40)

Language of the case: French

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

⁽¹⁾ OJ C 34, 2.2.2015.

Order of the President of the Court of 27 February 2015 (request for a preliminary ruling from the Handelsgericht Wien — Austria) — Stephan Naumann v Austrian Airlines AG

(Case C-612/14) ⁽¹⁾

(2015/C 213/41)

Language of the case: German

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

⁽¹⁾ OJ C 89, 16.3.2015.

**Order of the President of the Court of 10 March 2015 (request for a preliminary ruling from the
Landgericht Essen — Germany) — Staatsanwaltschaft Essen v Kanapathippilai Kanageswaran**

(Case C-7/15) ⁽¹⁾

(2015/C 213/42)

Language of the case: German

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

⁽¹⁾ OJ C 127, 20.4.2015.

GENERAL COURT

Judgment of the General Court of 13 May 2015 — Niki Luftfahrt v Commission

(Case T-511/09) ⁽¹⁾

(State aid — Restructuring aid granted by Austria to the Austrian Airlines group — Decision declaring the aid compatible with the common market, subject to compliance with certain conditions — Privatisation of the Austrian Airlines group — Determination of the recipient of the aid — Guidelines for State aid for the rescue and restructuring of undertakings in difficulty)

(2015/C 213/43)

Language of the case: German

Parties

Applicant: Niki Luftfahrt GmbH (Vienna, Austria) (represented by: H. Asenbauer and A. Habeler, lawyers)

Defendant: European Commission (represented initially by: B. Martenczuk and K. Gross, acting as Agents, and G. Quardt, lawyer, and subsequently by: B. Martenczuk and R. Sauer, acting as Agents, and G. Quardt and J. Lipinsky, lawyers)

Interveners in support of the defendant: Republic of Austria (represented by: C. Pesendorfer and M. Klamert, acting as Agents); Deutsche Lufthansa AG (Cologne, Germany) (represented initially by: H.-J. Niemeyer, H. Ehlers and M. Rosenberg and subsequently by: H.-J. Niemeyer, H. Ehlers, C. Kovács and S. Völcker, lawyers); Austrian Airlines AG (Vienna) (represented initially by: H.-J. Niemeyer, H. Ehlers and M. Rosenberg and subsequently by: H.-J. Niemeyer, H. Ehlers, C. Kovács and S. Völcker, lawyers), and Österreichische Industrieholding AG (Vienna) (represented by: T. Zivny, P. Lewisch and H. Kristoferitsch, lawyers)

Re:

Annulment of Commission Decision 2010/137/EC of 28 August 2009, State aid C 6/2009 (ex N 663/2008) — Austria Austrian Airlines — restructuring plan (OJ 2010 L 59, p. 1), declaring the restructuring aid granted by the Republic of Austria to the Austrian Airlines Group in the course of its purchase by the Lufthansa group to be compatible with the common market, subject to compliance with certain conditions.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Niki Luftfahrt GmbH to bear its own costs and pay those incurred by the European Commission, Österreichische Industrieholding AG, Deutsche Lufthansa AG and Austrian Airlines AG.
3. Orders the Republic of Austria to bear its own costs.

⁽¹⁾ OJ C 80, 27.3.2010.

Judgment of the General Court of 13 May 2015 — Niki Luftfahrt v Commission

(Case T-162/10) ⁽¹⁾

(Competition — Mergers — Air transport — Decision declaring the merger compatible with the common market — Assessment of the effects of the merger on competition — Undertakings)

(2015/C 213/44)

Language of the case: German

Parties

Applicant: Niki Luftfahrt GmbH (Vienna, Austria) (represented by: H. Asenbauer and A. Habeler, lawyers)

Defendant: European Commission (represented initially by: S. Noë, R. Sauer and N. von Lingen, and subsequently by: S. Noë, R. Sauer and H. Leupold, acting as Agents)

Interveners in support of the defendant: Republic of Austria (represented initially by: C. Pesendorfer, E. Riedl and A. Posch, and subsequently by: C. Pesendorfer and M. Klamert, acting as Agents); Deutsche Lufthansa AG (Cologne, Germany) (represented initially by: S. Völcker and A. Israel, and subsequently by: S. Völcker and J. Orologas, lawyers), and Österreichische Industrieholding AG (Vienna) (represented by: H. Kristoferitsch, P. Lewisch and B. Kofler-Senoner, lawyers)

Re:

Annulment of Commission Decision C (2009) 6690 final of 28 August 2009 declaring a merger compatible with the common market and the EEA Agreement (Case COMP/M.5440 — Lufthansa/Austrian Airlines).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Niki Luftfahrt GmbH to bear its own costs and pay those incurred by the European Commission, Österreichische Industrieholding AG and Deutsche Lufthansa AG.
3. Orders the Republic of Austria to bear its own costs.

⁽¹⁾ OJ C 161, 19.6.2010.

Judgment of the General Court of 12 May 2015 — Technion and Technion Research & Development Foundation v Commission

(Case T-480/11) ⁽¹⁾

(Access to documents — Regulation (EC) No 1049/2001 — Documents taken into consideration in the context of a financial audit on the performance of certain research contracts concluded during the course of the sixth framework programme for research, technological development and demonstration activities — Refusal to grant access — Exception relating to the protection of the purpose of inspections, investigations and audits — Obligation to carry out a concrete and individual examination — Overriding public interest)

(2015/C 213/45)

Language of the case: French

Parties

Applicants: Technion — Israel Institute of Technology (Haifa, Israel); and Technion Research & Development Foundation Ltd (Haifa) (represented by: initially D. Grisay and D. Piccininno, then D. Grisay and C. Hartman, lawyers)

Defendant: European Commission (represented by: initially P. Costa de Oliveira and C. ten Dam, then F. Clotuche-Duvieusart, agents)

Re:

Action for annulment of the Commission's Decision of 30 June 2011 refusing Technion — Israel Institute of Technology access to documents taken into consideration in the context of a financial audit on the performance of certain research contracts concluded during the course of the sixth framework programme of the European Community for research, technological development and demonstration activities, contributing to the creation of the European Research Area and to innovation (2002 to 2006).

Operative part of the judgment

1. *The action is dismissed;*
2. *Technion — Israel Institute of Technology and Technion Research & Development Foundation Ltd are ordered to pay the costs of the proceedings.*

⁽¹⁾ OJ 2011 C 340, p. 27.

Judgment of the General Court of 12 May 2015 — Ternavsky v Council**(Case T-163/12) ⁽¹⁾*****(Common foreign and security policy — Restrictive measures against Belarus — Freezing of funds — Restrictions on entry into and transit through the territory of the European Union — Error of assessment)*****(2015/C 213/46)***Language of the case: French***Parties**

Applicant: Anatoly Ternavsky (Moscow, Russia) (represented initially by C. Raspin and E. Van den Haute, lawyers, subsequently by G. Berrisch, A. Polcyn, lawyers, and N. Chesaites, Barrister, and lastly by G. Berrisch)

Defendant: Council of the European Union (represented by: F. Naert and M.-M. Joséphidès, acting as Agents)

Re:

Action for annulment of Council Implementing Decision 2012/171/CFSP of 23 March 2012 implementing Decision 2010/639/CFSP concerning restrictive measures against Belarus (OJ 2012 L 87, p. 95), of Council Implementing Regulation (EU) No 265/2012 of 23 March 2012 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus (OJ 2012 L 87, p. 37), of Council Decision 2013/534/CFSP of 29 October 2013 amending Decision 2012/642/CFSP concerning restrictive measures against Belarus (OJ 2013 L 288, p. 69), of Council Implementing Regulation (EU) No 1054/2013 of 29 October 2013 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus (OJ 2013 L 288, p. 1), of Council Implementing Decision 2014/24/CFSP of 20 January 2014 implementing Decision 2012/642/CFSP concerning restrictive measures against Belarus (OJ 2014 L 16, p. 32), and of Council Implementing Regulation (EU) No 46/2014 of 20 January 2014 implementing Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus (OJ 2014 L 16, p. 3) in so far as they concern the applicant.

Operative part of the judgment

The Court:

1. *Annuls Council Implementing Decision 2012/171/CFSP of 23 March 2012 implementing Decision 2010/639/CFSP concerning restrictive measures against Belarus, Council Implementing Regulation (EU) No 265/2012 of 23 March 2012 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus, Council Decision 2013/534/CFSP of 29 October 2013 amending Decision 2012/642/CFSP concerning restrictive measures against Belarus, and Council Implementing Regulation (EU) No 1054/2013 of 29 October 2013 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus in so far as they concern Mr Anatoly Ternavsky;*

2. *Dismisses the action as to the remainder;*
3. *Orders the Council of the European Union to bear its own costs and to pay one-half of those incurred by Mr Ternavsky in the present proceedings;*
4. *Orders Mr Ternavsky to bear other half of his own costs in the present proceedings and to bear his own costs and pay those incurred by the Council in the application for interim measures.*

⁽¹⁾ OJ C 157, 2.6.2012.

Judgment of the General Court of 13 May 2015 — Harper Hygienics v OHIM — Clinique Laboratories (CLEANIC natural beauty)

(Case T-363/12) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for the Community figurative mark CLEANIC natural beauty — Earlier Community word marks CLINIQUE — Relative grounds for refusal — Likelihood of confusion — Similarity of the goods and services — Article 8(1)(b) of Regulation (EC) No 207/2009 — Unfair advantage taken of the distinctive character or the repute of the earlier marks — Article 8(5) of Regulation No 207/2009)

(2015/C 213/47)

Language of the case: Polish

Parties

Applicant: Harper Hygienics S.A. (Warsaw, Poland) (represented by: initially R. Rumpel, and subsequently D. Rzążewska and G. Pietras, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Clinique Laboratories, LLC (Wilmington, Delaware, United States) (represented by: initially V. von Bomhard and A. Renck, lawyers, and K. Hughes, Solicitor, and subsequently K. Hughes)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 25 May 2012 (Case R 1134/2011-2), relating to opposition proceedings between Clinique Laboratories, LLC and Harper Hygienics S.A.

Operative part of the judgment

The Court:

1. *dismisses the action;*
2. *orders Harper Hygienics S.A. to bear its own costs and to pay those incurred by the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) and Clinique Laboratories, LLC.*

⁽¹⁾ OJ C 355, 17.11.2012.

Judgment of the General Court of 13 May 2015 — Harper Hygienics v OHIM — Clinique Laboratories (CLEANIC Kindii)

(Case T-364/12) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for the Community figurative mark CLEANIC Kindii — Earlier Community word marks CLINIQUE — Relative grounds for refusal — Likelihood of confusion — Similarity of the goods and services — Article 8(1)(b) of Regulation (EC) No 207/2009 — Unfair advantage taken of the distinctive character or the repute of the earlier marks — Article 8(5) of Regulation No 207/2009)

(2015/C 213/48)

Language of the case: Polish

Parties

Applicant: Harper Hygienics S.A. (Warsaw, Poland) (represented by: initially R. Rumpel, and subsequently D. Rzążewska and G. Pietras, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Clinique Laboratories, LLC (Wilmington, Delaware, United States) (represented by: initially V. von Bomhard and A. Renck, lawyers, and K. Hughes, Solicitor, and subsequently K. Hughes)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 17 May 2012 (Case R 1135/2011-1), relating to opposition proceedings between Clinique Laboratories, LLC and Harper Hygienics S.A.

Operative part of the judgment

The Court:

1. *dismisses the action;*
2. *orders Harper Hygienics S.A. to bear its own costs and to pay those incurred by the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) and Clinique Laboratories, LLC.*

⁽¹⁾ OJ C 355, 17.11.2012.

Judgment of the General Court of 19 May 2015 — Diputación Foral de Bizkaia v Commission

(Case T-397/12) ⁽¹⁾

(State aid — Construction — Aid provided by the Spanish authorities to the company Habidite — Agreements concluded with a view to the establishment of a factory manufacturing construction modules and the delivery of modular houses manufactured by that factory — Decision declaring the aid unlawful — Decision declaring the aid partly compatible and partly incompatible with the internal market — No prior notification — Rights of the defence — Obligation to give reasons)

(2015/C 213/49)

Language of the case: Spanish

Parties

Applicant: Diputación Foral de Bizkaia (represented by: I. Sáenz-Cortabarría Fernández, lawyer)

Defendant: European Commission (represented by: M. Afonso, É. Gippini Fournier and P. Němečková, acting as Agents)

Re:

Action for partial annulment of Commission Decision C (2012) 4194 final of 27 June 2012 concerning State aid SA.28356 (C 37/2009) (ex N 226/2009).

Operative part of the judgment

The Court:

- 1) *Dismisses the action;*
- 2) *Orders Diputación Foral de Bizkaia to bear the costs.*

⁽¹⁾ OJ C 319, 20.10.2012.

Judgment of the General Court of 12 May 2015 — Dalli v Commission

(Case T-562/12) ⁽¹⁾

(Member of the Commission — OLAF investigation — Alleged oral decision of the President of the Commission to require the resignation of the person concerned — Action for annulment — No actionable measure — Inadmissibility — Action for damages)

(2015/C 213/50)

Language of the case: English

Parties

Applicant: John Dalli (St Julians, Malta) (represented by: L. Levi, A.-M. Alamanou and S. Rodrigues, lawyers)

Defendant: European Commission (represented by: B. Smulders, J. Baquero Cruz and J. P. Keppenne, acting as Agents)

Re:

Application for annulment of the oral decision allegedly taken by the President of the Commission on 16 October 2012 to terminate the applicant's office as a Member of the Commission and for compensation for damage allegedly suffered by the applicant as a result of that decision.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Mr John Dalli to pay the costs.*

⁽¹⁾ OJ C 46, 16.2.2013.

Judgment of the General Court of 13 May 2015 — Group Nivelles v OHIM — Easy Sanitary Solutions (Shower drain conduit)

(Case T-15/13) ⁽¹⁾

(Community design — Invalidity proceedings — Registered design representing a shower drain conduit — Earlier design — Grounds for invalidity — Novelty — Individual character — Visible characteristic of the earlier design — Goods at issue — Articles 4 to 7, 19 and 25(1)(b) of Regulation (EC) No 6/2002)

(2015/C 213/51)

Language of the case: Dutch

Parties

Applicant: Group Nivelles (Gingelom, Belgium) (represented by: H. Jonkhout, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: S. Bonne and A. Folliard-Monguiral, acting as Agents)

Other party to the proceedings before the Board of Appeal of OHIM, intervening before the General Court: Easy Sanitary Solutions BV (Lossers, Netherlands) (represented by: F. Eijsvogels, lawyer)

Re:

Action brought against the decision of the Third Board of Appeal of OHIM of 4 October 2012 (Case R 2004/2010-3) concerning invalidity proceedings between I-drain BVBA and Easy Sanitary Solutions BV.

Operative part of the judgment

The Court:

1. Annuls the decision of the Third Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 4 October 2012 (Case R 2004/2010-3);
2. Dismisses the remainder of the action;
3. Orders OHIM to bear its own costs and to pay those incurred by Group Nivelles and Easy Sanitary Solutions BV.

⁽¹⁾ OJ C 108, 13.4.2013.

Judgment of the General Court of 13 May 2015 — Harper Hygienics v OHIM — Clinique Laboratories (CLEANIC intimate)

(Case T-363/13) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for the Community figurative mark CLEANIC intimate — Earlier Community word marks CLINIQUE — Relative grounds for refusal — Likelihood of confusion — Similarity of the goods and services — Article 8(1)(b) of Regulation (EC) No 207/2009 — Unfair advantage taken of the distinctive character or the repute of the earlier marks — Article 8(5) of Regulation No 207/2009)

(2015/C 213/52)

Language of the case: Polish

Parties

Applicant: Harper Hygienics S.A. (Warsaw, Poland) (represented by: initially R. Rumpel, and subsequently D. Rzążewska and G. Pietras, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Clinique Laboratories, LLC (Wilmington, Delaware, United States) (represented by: initially V. von Bomhard, lawyer, and K. Hughes, Solicitor, and subsequently K. Hughes)

Re:

Action brought against the decision of the Fifth Board of Appeal of OHIM of 29 April 2013 (Case R 606/2012-5), relating to opposition proceedings between Clinique Laboratories, LLC and Harper Hygienics S.A.

Operative part of the judgment

The Court:

1. *dismisses the action;*
2. *orders Harper Hygienics S.A. to bear its own costs and to pay those incurred by the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) and Clinique Laboratories, LLC.*

⁽¹⁾ OJ C 274, 21.9.2013.

Judgment of the General Court of 19 May 2015 — Granette & Starorežná Distilleries v OHIM — Bacardi (42 VODKA JEMNÁ VODKA VYRÁBĚNÁ JEDINEČNOU TECHNOLOGIÍ 42 % vol.)

(Case T-607/13) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community figurative mark 42 VODKA JEMNÁ VODKA VYRÁBĚNÁ JEDINEČNOU TECHNOLOGIÍ 42 % vol — Earlier international figurative mark 42 BELOW — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2015/C 213/53)

Language of the case: Czech

Parties

Applicant: Granette & Starorežná Distilleries a.s, (Ústí nad Labem, Czech Republic) (represented by: T. Chleboun, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: initially by D. Gája and P. Geroulakos, subsequently by M. Geroulakos and M. Šimandlova, Agents)

Other party to the proceedings before the Board of Appeal of OHIM, intervening before the General Court: Bacardi C. Ltd (Vaduz, Liechtenstein) (represented by: M. Reinisch, lawyer)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 16 September 2013 (Case R 1605/2012-2) relating to opposition proceedings between Bacardi Co. Ltd and Granette & Starorežná Distilleries a.s.

Operative part of the judgment

The Court:

1. *Dismisses the appeal;*

2. Orders Granette & Starorežná Distilleries .a.s to bear its own costs and to pay those incurred by the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) and by Bacardi Co. Ltd.

⁽¹⁾ OJ C 45, 15.2.2014.

Judgment of the General Court of 13 May 2015 — easyGroup IP Licensing v OHIM — Tui (easyAir-tours)

(Case T-608/13) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for the Community figurative mark easyAir-tours — Earlier national figurative mark airtours Ticket Factory — Relative ground for refusal — Article 8(1)(b) of Regulation (EC) No 207/2009 — No similarity between the signs — No likelihood of confusion — Power to alter decisions — Article 65(3) of Regulation No 207/2009)

(2015/C 213/54)

Language of the case: English

Parties

Applicant: easyGroup IP Licensing Ltd (London, United Kingdom) (represented by: J. Day and K. Osgerby, Solicitors)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Tui AG (Hanover, Germany) (represented by: D. von Schultz, lawyer)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 5 September 2013 (Case R 1029/2012-1), relating to opposition proceedings between Tui AG and easyGroup IP Licensing Ltd.

Operative part of the judgment

The Court:

1. Annuls the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 5 September 2013 (Case R 1029/2012-1);
2. Dismisses the action as to the remainder;
3. Orders OHIM to bear its own costs and to pay those incurred by easyGroup IP Licensing Ltd;
4. Orders Tui AG to bear its own costs.

⁽¹⁾ OJ C 24, 25.1.2014.

Judgment of the General Court of 12 May 2015 — Unión de Almacenistas de Hierros de España v Commission**(Case T-623/13) ⁽¹⁾**

(Access to documents — Regulation (EC) No 1049/2001 — Documents concerning two national competition procedures — Documents submitted to the Commission by a national authority within the framework of cooperation provided for by EU law — Refusal of access — Exception related to the protection of the purpose of inspections, investigations and audits — Exception related to the protection of the commercial interests of a third party — No obligation for the Institution concerned to carry out a specific and individual examination of the content of the documents concerned in the request for access when the investigation at issue is definitively closed — No need for an organisational measure in the procedure requesting the documents at issue — Failure to take account of the special situation of the applicant)

(2015/C 213/55)

Language of the case: Spanish

Parties

Applicant: Unión de Almacenistas de Hierros de España (Madrid, Spain) (represented by: A. Creus Carreras and A. Valiente Martín, lawyers)

Defendant: European Commission (represented by: J. Baquero Cruz and F. Clotuche-Duvieusart, acting as Agents)

Intervener in support of the Defendant: The Federal Republic of Germany (represented by: T. Henze, K. Petersen and A. Lippstreu, acting as Agents)

Re:

Action for annulment of Commission decision of 18 September 2013 refusing to grant the applicant access to certain documents concerning the exchange of correspondence between the Commission and the Comisión Nacional de la Competencia (CNC, Spanish national competition commission), as regards two procedures opened by the latter.

Operative part of the judgment

The Court:

- 1) Dismisses the action;
- 2) Orders the Unión de Almacenistas de Hierros de España is to bear its own costs and to pay those incurred by the European Commission;
- 3) Orders the Federal Republic of Germany to bear its own costs.

⁽¹⁾ OJ C 24, 25.1.2014.

Judgment of the General Court of 12 May 2015 — Czech Republic v Commission**(Case T-51/14) ⁽¹⁾**

(System of traditional specialities guaranteed — Regulation (EU) No 1151/2012 — Rejection of the request for registration of the name ‘pomazánkové máslo’ (spreadable butter) as a traditional speciality guaranteed — Relationship with the provisions of Regulation (EC) No 1234/2007 specifying the conditions for the use of the sales description ‘butter’)

(2015/C 213/56)

Language of the case: Czech

Parties

Applicant: Czech Republic (represented by: M. Smolek, J. Vlášil and J. Vitáková, acting as Agents)

Defendant: European Commission (represented by: J. Guillem Carrau, Z. Malůšková and K. Walkerová, acting as Agents)

Re:

Application for the annulment of Commission Implementing Decision 2013/658/EU of 13 November 2013 rejecting an application for entry in the register of traditional specialities guaranteed provided for in Regulation (EU) No 1151/2012 of the European Parliament and of the Council (Pomazánkové máslo (TSG)) (OJ 2013 L 305, p. 22).

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders the Czech Republic to pay the costs.*

⁽¹⁾ OJ C 93, 29.3.2014.

Judgment of the General Court of 19 May 2015 — Swatch v OHIM — Panavision Europe (SWATCHBALL)

(Case T-71/14) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community word mark SWATCHBALL — Community word and figurative marks and international word and figurative marks SWATCH and swatch — Relative ground for refusal — Damage to reputation — Article 8(5) of Regulation (EC) No 207/2009)

(2015/C 213/57)

Language of the case: English

Parties

Applicant: Swatch AG (Biel, Switzerland) (represented by: P. González-Bueno Catalán de Ocón, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM: Panavision Europe Ltd (Greenford, United Kingdom)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 11 November 2013 (Case R 470/2012-2), relating to opposition proceedings between Swatch AG and Panavision Europe Ltd.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Swatch AG to pay the costs.*

⁽¹⁾ OJ C 129, 28.4.2014.

Judgment of the General Court of 13 May 2015 — Deutsche Post v OHIM — PostNL Holding (TPG POST)

(Case T-102/14) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community word mark TPG POST — Earlier national and Community word marks POST and Deutsche Post — Relative ground for refusal — No likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2015/C 213/58)

Language of the case: German

Parties

Applicant: Deutsche Post AG (Bonn, Germany) (represented by: K. Hamacher and C. Giersdorf, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: G. Schneider and S. Hanne, Agents)

Other party to the proceedings before the Board of Appeal of OHIM: PostNL Holding BV (The Hague, Netherlands)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 11 December 2013 (Case R 2108/2012-1), relating to opposition proceedings between PostNL Holding BV and Deutsche Post AG.

Operative part of the judgment

The Court:

1. Dismisses the application.
2. Orders Deutsche Post AG to pay the costs.

⁽¹⁾ OJ C 112, 14.4.2014.

Judgment of the General Court of 13 May 2015 — Ferring v OHIM — Kora (Koragel)

(Case T-169/14) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community word mark Koragel — Earlier Community word mark CHORAGON — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2015/C 213/59)

Language of the case: English

Parties

Applicant: Ferring BV (Hoofddorp, Netherlands) (represented by: A. Thünken, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM: Kora Corp. Ltd (Swords, Ireland)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 13 January 2014 (Case No R 721/2013-4) concerning opposition proceedings between Ferring BV and Kora Corp. Ltd.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Ferring BV to pay the costs.

⁽¹⁾ OJ C 151, 19.5.2014.

Order of the General Court of 30 April 2015 — EEB v Commission

(Case T-250/14) ⁽¹⁾

(Action for annulment — Access to documents — Regulation (EC) No 1049/2001 — Correspondence between the Commission and two Member States regarding the implementation of a Transitional National Plan (TNP) under Directive 2010/75/EU — Implied refusal of access — No need to adjudicate — New claims — Inadmissibility)

(2015/C 213/60)

Language of the case: English

Parties

Applicant: European Environmental Bureau (EEB) (Brussels, Belgium) (represented by: C. Stothers, Solicitor, M. Van Kerckhove and C. Simphal, lawyers)

Defendant: European Commission (represented by: J. Baquero Cruz and F. Clotuche-Duvieusart, acting as Agents)

Re:

Application for annulment of the implied decision of the Commission of 13 February 2014 refusing access to documents from the Republic of Bulgaria and the Czech Republic.

Operative part of the order

- 1) There is no longer any need to adjudicate on the claims of the European Environmental Bureau (EEB) for the annulment of the implied decision of the European Commission of 13 February 2014 refusing access to documents from the Republic of Bulgaria and the Czech Republic.
- 2) The claims for damages presented by the EEB are dismissed as manifestly inadmissible.
- 3) The Commission is ordered to pay, in addition to its own costs, those of the EEB.

⁽¹⁾ OJ C 194, 24.6.2014.

Order of the General Court of 6 May 2015 — Deza v ECHA

(Case T-115/15 R)

(Interim measures — REACH — Entry of the chemical substance di-(2-ethylhexyl)phthalate (DEHP) in the candidate list — Application for suspension of operation — No urgency)

(2015/C 213/61)

Language of the case: Czech

Parties

Applicant: Deza, a.s. (Valašské Meziříčí, Czech Republic) (represented by: P. Dejl, lawyer)

Defendant(s): ECHA (represented by: M. Heikkilä, W. Broere and T. Zbihlej, acting as Agents)

Re:

Application for the suspension of operation of Decision ED/108/2014 of 12 December 2014 of the Executive Director of the European Chemicals Agency updating, inter alia, the existing entry for the substance di-(2-ethylhexyl)phthalate (DEHP) in the candidate list for eventual inclusion in Annex XIV to Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (corrected version OJ 2007 L 136, p. 3), as amended.

Operative part of the order

1. *The application for interim measures is rejected.*
2. *The costs are reserved.*

Action brought on 27 March 2015 — Czech Republic v Commission

(Case T-141/15)

(2015/C 213/62)

Language of the case: Czech

Parties

Applicant: Czech Republic (represented by: M. Smolek and J. Očková, acting as Agents)

Defendant: European Commission

Form of order sought

- annul Commission Implementing Decision (EU) 2015/103 of 16 January 2015 excluding from European Union financing certain expenditure incurred by the Member States under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD) (notified under document C(2015) 53) in so far as it excludes expenditure of a total of EUR 2 123 199,04 incurred by the Czech Republic;
- order the European Commission to pay 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 breach of Article 5 of Council Regulation (EC) No 479/2008⁽¹⁾ and the principle of legal certainty and hence the protection of legitimate expectations
 - The applicant submits in this connection that in the contested decision the European Commission imposed a financial correction on the ground of ineligible expenditure for measures which had been agreed by the procedure laid down in Article 5 of Council Regulation No 479/2008, and there was therefore a breach of that provision and of the principle of legal certainty and hence the protection of legitimate expectations.

2. Second plea in law, alleging breach of Article 41 of the Charter of Fundamental Rights of the European Union in conjunction with Articles 11 and 16 of Commission Regulation (EC) No 885/2006⁽²⁾ and Article 31 of Council Regulation (EC) No 1290/2005

— The applicant submits on this point that there was a breach of Article 41 of the Charter of Fundamental Rights of the European Union in conjunction with Articles 11 and 16 of Commission Regulation No 885/2006 and Article 31 of Council Regulation No 1290/2005⁽³⁾, since the European Commission additionally included the financial years 2010 to 2012 in investigations VT/VI/2009/004/CZ and VT/VI/2009/101/CZ.

⁽¹⁾ Council Regulation (EC) No 479/2008 of 29 April 2008 on the common organisation of the market in wine, amending Regulations (EC) No 1493/1999, (EC) No 1782/2003, (EC) No 1290/2005, (EC) No 3/2008 and repealing Regulations (EEC) No 2392/86 and (EC) No 1493/1999 (OJ 2008 L 148, p. 1).

⁽²⁾ Commission Regulation (EC) No 885/2006 of 21 June 2006 laying down detailed rules for the application of Council Regulation (EC) No 1290/2005 as regards the accreditation of paying agencies and other bodies and the clearance of the accounts of the EAGF and of the EAFRD (OJ 2006 L 171, p. 90).

⁽³⁾ Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy (OJ 2005 L 209, p. 1).

Action brought on 30 March 2015 — Czech Republic v Commission

(Case T-147/15)

(2015/C 213/63)

Language of the case: Czech

Parties

Applicant: Czech Republic (represented by: M. Smolek, T. Müller, J. Očková and J. Vlácil, acting as Agents)

Defendant: European Commission

Form of order sought

— annul Commission Decision BUDG/B/3/RDL D(15)217973 of 20 January 2015 refusing the application for release from the obligation to provide own resources in the sum of CZK 53 976 340,00 in accordance with Article 17(2) of Council Regulation (EC, Euratom) No 1150/2000⁽¹⁾;

— order the European Commission to pay 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 breach of Article 17(1) and (2) of Council Regulation No 1150/2000

— The applicant submits in this connection that by adopting the contested decision the Commission infringed Article 17(1) and (2) of Council Regulation No 1150/2000, in that it incorrectly came to the conclusion that the Czech Republic had not taken all the necessary measures for providing an amount of EU own resources to the Commission, and in that it requires provision of an amount which could not be excluded on grounds which were not attributable to the Czech Republic.

2. Second plea in law, alleging breach of Article 41 of the Charter of Fundamental Rights of the European Union and the rights of defence of the Czech Republic

— The applicant submits on this point that by adopting the contested decision the Commission infringed Article 41 of the Charter of Fundamental Rights of the European Union and the rights of defence of the Czech Republic, in that it did not enable the Czech Republic to express its point of view purposefully and effectively.

⁽¹⁾ Council Regulation (EC, Euratom) No 1150/2000 of 22 May 2000 implementing Decision 94/728/EC, Euratom on the system of the Communities' own resources (OJ 2000 L 130, p. 1).

Action brought on 8 May 2015 — Grupo de originacion y análisis v OHIM — Bankinter (BK PARTNERS)

(Case T-228/15)

(2015/C 213/64)

Language in which the application was lodged: Spanish

Parties

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

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)

Other party to the proceedings before the Board of Appeal: Bankinter, SA (Madrid, Spain)

Details of the proceedings before OHIM

Applicant of the trade mark at issue: Applicant

Trade mark at issue: Community figurative mark containing the word elements 'BK PARTNERS' — Application for registration No 10 550 051

Procedure before OHIM: Opposition proceedings

Contested decision: Decision of the First Board of Appeal of OHIM of 5 March 2015 in Case R 1329/2014-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order OHIM and the other party to the proceedings before OHIM to pay the costs.

Plea in law

- Infringement of Article 8(1)(b) of Regulation No 207/2009.
-

Action brought on 5 May 2015 — Haswani v Council**(Case T-231/15)**

(2015/C 213/65)

*Language of the case: French***Parties***Applicant:* George Haswani (Yabroud, Syria) (represented by: G. Karouni, lawyer)*Defendant:* Council of the European Union**Form of order sought**

The applicant claims that the Court should:

- annul Council Implementing Regulation (EU) 2015/375 of 6 March 2015 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria insofar as it concerns the applicant;
- annul Council Implementing Decision (CFSP) 2015/383 of 6 March 2015 implementing Decision 2013/255/CFSP concerning restrictive measures against Syria insofar as it concerns the applicant;
- order, as a result, that Mr George Haswani's name be removed from the annexes to the above-mentioned acts;
- order the Council to pay EUR 700 000 in damages to compensate all forms of loss suffered;
- order the Council to pay its own costs and the costs of the applicant, which he reserves the right to justify during the course of the proceedings.

Pleas in law and main arguments

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

1. First plea in law: the Council violated the applicant's right of defence, right to a hearing and right to a fair trial.
2. Second plea in law: the Council failed to state reasons to the extent that the reasoning of the contested acts is insufficient and imprecise.
3. Third plea in law: the Council committed a manifest error of assessment and failed to provide evidence to the extent that there are no genuine and reasonable grounds for the restrictive measures taken against the applicant.
4. Fourth plea in law: the Council infringed the general principle of proportionality.
5. Fifth plea in law: the Council should compensate the applicant.

Action brought on 11 May 2015 — Cofra v OHIM — Armand Thiery (1841)**(Case T-233/15)**

(2015/C 213/66)

*Language in which the application was lodged: Spanish***Parties***Applicant:* Cofra Holding AG (Zug, Switzerland) (represented by: M. Aznar Alonso, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)

Other party to the proceedings before the Board of Appeal: Armand Thierry SAS (Levallois Perret, France)

Details of the proceedings before OHIM

Proprietor of the trade mark at issue: Applicant

Trade mark at issue: Community word mark '1841' — Community trade mark No 9 119 553

Procedure before OHIM: Proceedings for a declaration of invalidity

Contested decision: Decision of the First Board of Appeal of OHIM of 26 February 2015 in Case R 805/2014-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order OHIM and the other party to the appeal proceedings, should it intervene in the present proceedings, to pay the costs.

Pleas in law

- Infringement of Article 57(2) of Regulation No 207/2009 and Rule 40(6) of Regulation No 2868/95;
- Infringement of Article 8(1)(b) of Regulation No 207/2009.

Order of the General Court of 4 May 2015 — Spain v Commission

(Case T-25/14) ⁽¹⁾

(2015/C 213/67)

Language of the case: Spanish

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

⁽¹⁾ OJ C 61, 1.3.2014.

EUROPEAN UNION CIVIL SERVICE TRIBUNAL

Judgment of the Civil Service Tribunal (Second Chamber) of 18 May 2015 — Gyarmathy v EMCDDA

(Case F-79/13) ⁽¹⁾

(Civil service — EMCDDA staff — Temporary staff — Decision not to renew a contract of employment — Psychological harassment — Request for assistance — Administrative inquiry — Judgment by default — Examination of the admissibility of the application — Act adversely affecting the applicant — Inadmissibility — Allocation of costs)

(2015/C 213/68)

Language of the case: English

Parties

Applicant: Valéria Anna Gyarmathy (Győr, Hungary) (represented by: L. Levi and M. Vandenbussche, lawyers)

Defendant: European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) (represented by: D. Storti and F. Pereyra, acting as Agents, and B. Wägenbaur, lawyer)

Re:

Application for annulment, first, of the decision rejecting the applicant's request seeking recognition of the fact that she had been the victim of psychological harassment on the part of her line manager and, secondly, of the decision not to renew her contract and, as a result, an application for a new investigation to be conducted and for damages in respect of the material and non-material harm allegedly suffered.

Operative part of the judgment

The Tribunal:

1. *Dismisses the action;*
2. *Declares that the parties shall bear their own costs.*

⁽¹⁾ OJ C 31, 1/2/2014, p. 22.

Judgment of the Civil Service Tribunal (Second Chamber) of 18 May 2015 — Dupré v EEAS

(Case F-11/14) ⁽¹⁾

(Civil service — Staff of the EEAS — Member of the temporary staff — Article 98 of the Staff Regulations — Article 2(e) of the CEOS — Contract of employment — Grading — Plea of illegality of the vacancy notice — Post at grade AD 5 open to staff from national diplomatic services and to officials of grades AD 5 to AD 14 — Principle of correspondence between the grade and the post — Judgment by default)

(2015/C 213/69)

Language of the case: French

Parties

Applicant: Bruno Dupré (Etterbeek, Belgium) (represented by: S. Rodrigues and A. Tymen, lawyers)

Defendant: European External Action Service (represented by: S. Marquardt and M. Silva, acting as Agents)

Re:

Application to annul the applicant's contract in so far as it categorises him at grade AD 5 and to compensate him for the harm allegedly suffered.

Operative part of the judgment

The Tribunal:

- 1) *Dismisses the action;*
- 2) *Orders each party to bear its own costs.*

⁽¹⁾ OJ C 102 of 7/4/2014, p. 45.

Judgment of the Civil Service Tribunal (Second Chamber) of 18 May 2015 — Bischoff v Commission

(Case F-36/14) ⁽¹⁾

(Civil service — Officials — Compulsory retirement — Article 23(1) of Annex XIII to the Staff Regulations — Retirement age — Refusal to extend the period of activity — Second paragraph of Article 52 of the Staff Regulations — Interest of the service)

(2015/C 213/70)

Language of the case: French

Parties

Applicant: Hartwig Bischoff (Brussels, Belgium) (represented by: C. Bernard-Glanz and A. Blot, lawyers)

Defendant: European Commission (represented by: J. Currall and C. Ehrbar, acting as Agents)

Re:

Application to annul the Commission's decisions rejecting, first, the application to extend the applicant's service and, second, confirming the applicant's compulsory retirement on 1 June 2014.

Operative part of the judgment

The Tribunal:

- 1) *Dismisses the action;*
- 2) *Declares that Mr Bischoff is to bear all of his own costs and all of the costs incurred by the European Commission.*

⁽¹⁾ OJ C 292, 1/9/2014, p. 60.

Judgment of the Civil Service Tribunal (First Chamber) of 18 May 2015 — Pohjanmäki v Council(Case F-44/14) ⁽¹⁾

(Civil service — Officials — Promotion — Consideration of comparative merits — Respective roles of the Appointing Authority and of the JCC — Absence of staff reports — Failure by members of the JCC to consult staff reports — Compatibility of the functions of the rapporteur with the JCC and of the former assessor — Manifest error of assessment — Seniority in grade — Level of responsibilities exercised — Duty of care)

(2015/C 213/71)

Language of the case: French

Parties

Applicant: Jaana Pohjanmäki (Brussels, Belgium) (represented by: M. Velardo, lawyer)

Defendant: Council of the European Union (represented by: M. Bauer, E. Rebasti and M. Veiga, acting as Agents)

Re:

The application, first, to annul the Council's decision not to promote the applicant to grade AD 13 and, second, to award damages for the non-material harm allegedly suffered.

Operative part of the judgment

The Tribunal:

- 1) *Dismisses the action;*
- 2) *Declares that Ms Pohjanmäki is to bear half of her own costs;*
- 3) *Declares that the Council of the European Union is to bear its own costs and to pay half of the costs incurred by Ms Pohjanmäki.*

⁽¹⁾ OJ C 212, 7/7/2014, p. 46.

Judgment of the Civil Service Tribunal (First Chamber) of 19 May 2015 — Brune v Commission(Case F-59/14) ⁽¹⁾

(Civil Service — Open competition EPSO/AD/26/05 — Non-inclusion on the reserve list — Annulment by the General Court — Article 266 TFEU — Organisation of another oral test — Refusal by the candidate to participate — New decision not to include the candidate on the reserve list — Action for annulment — Dismissal — Judgment of the General Court upheld on appeal — Later application for compensation — Observance of reasonable time-limit)

(2015/C 213/72)

Language of the case: German

Parties

Applicant: Markus Brune (Bonn, Germany) (represented by: H. Mannes, lawyer)

Defendant: European Commission (represented by: J. Currall and G. Gattinara, acting as Agents, B. Wägenbaur, lawyer)

Re:

Claim for damages to compensate the alleged loss of an opportunity to be recruited to a position in the EU, based on the judgment in Case F-5/08.

Operative part of the judgment

The Tribunal:

1. *Orders the European Commission to pay Mr Brune, on account of the non-pecuniary loss incurred between 6 March 2007 and 4 February 2011, the sum of EUR 4 000, plus default interest from 17 April 2013 at a rate applied by the European Central Bank for main refinancing operations over the period concerned and increased by two points;*
2. *Dismisses the action as to the remainder;*
3. *Orders the European Commission to bear its own costs and 50 % of the costs incurred by Mr Brune;*
4. *Orders Mr Brune to bear 50 % of his own costs.*

⁽¹⁾ OJ C 431, 1.12.2014, p. 48.

Action brought on 16 April 2015 — ZZ v Commission

(Case F-55/15)

(2015/C 213/73)

Language of the case: French

Parties

Applicant: ZZ (represented by: L. Levi and A. Tymen, lawyers)

Defendant: Commission

Subject-matter and description of the proceedings

The annulment of the Commission's decision, principally, in so far as it withdraws from the applicant the benefit of foreign residence allowance in favour of expatriation allowance and, in the alternative, in so far as it orders the recovery of amounts allegedly unlawfully paid and the compensation for pecuniary and non-pecuniary losses allegedly incurred.

Form of order sought

- Principally, annul the decision of 18 July 2014 in so far as it withdraws from the applicant the benefit of foreign residence allowance in favour of expatriation allowance, retroactively from 1 July 2009;
- In the alternative, annul the decision of 18 July 2014 in so far as it orders the recovery of amounts allegedly unlawfully paid;
- Annul the decision of 7 January 2015 rejecting the applicant's complaint of 12 September 2014, if necessary, and in any event, in the still further alternative, in so far as it refuses to reduce the monthly amounts deducted pursuant to Article 85 of the Statute;

- Order compensation for the applicant's pecuniary loss;
- Order compensation for the applicant's non-pecuniary loss, calculated as EUR 10 000;
- Order the defendant to pay all the costs.

Action brought on 17 April 2015 — ZZ and ZZ v Commission

(Case F-56/15)

(2015/C 213/74)

Language of the case: French

Parties

Applicant: ZZ and ZZ (represented by: S. Orlandi and T. Martin, lawyers)

Defendant: European Commission

Subject-matter and description of the proceedings

The annulment of decisions reducing the correction coefficient applicable to the pensions of the applicants, who reside in Denmark, as is apparent from their pension slips of June 2014 and the compensation for the non-pecuniary loss allegedly incurred as a result of discrepancies and contradictions in the information used to justify the contested decisions.

Form of order sought

- Annul the decisions contained in the pension slips of June 2014 by which the correction coefficient applicable to the applicants' pensions is reduced from 1 January 2014;
- Order the European Commission to pay the costs and to pay a fixed sum *ex aequo et bono* as compensation for the non-pecuniary loss suffered.

Action brought on 20 April 2015 — ZZ v European Commission

(Case F-57/15)

(2015/C 213/75)

Language of the case: French

Parties

Applicant: ZZ (represented by: S. Orlandi and T. Martin, lawyers)

Defendant: European Commission

Subject-matter and description of the proceedings

Application for, first, a declaration that Article 9 of the general provisions implementing Article 11(2) of Annex VIII to the Staff Regulations of 3 March 2011 (GIP) is illegal and, secondly, annulment of the decision confirming the transfer of the pension rights acquired by the applicant to the EU institutions pensions scheme in accordance with the new GIP.

Form of order sought

The applicant claims that the Tribunal should:

- declare that Article 9 of the general provisions implementing Article 11(2) of Annex VIII to the Staff Regulations is illegal;
- annul the decision of 18 September 2014 to credit the pension rights acquired by the applicant prior to his entry into service, in the context of the transfer of those rights to the EU institutions pension scheme, in accordance with the general provisions implementing Article 11(2) of Annex VIII to the Staff Regulations of 3 March 2011;
- order the Commission to pay the costs.

Action brought on 20 April 2015 — ZZ v European Commission

(Case F-58/15)

(2015/C 213/76)

Language of the case: French

Parties

Applicant: ZZ (represented by: S. Rodrigues and A. Tymen, lawyers)

Defendant: European Commission

Subject-matter and description of the proceedings

Application for annulment of the decision not to reimburse the medical expenses of the applicant's spouse, under her JSIS top-up cover, and for compensation in respect of the material and non-material harm allegedly suffered.

Form of order sought

The applicant claims that the Tribunal should:

- annul the decision of the Ispra settlements office of 9 July 2014 refusing to reimburse the medical expenses set out in the applicant's request of 3 January 2014;
 - annul the decision of the European Commission of 8 January 2015, rejecting the applicant's complaint of 16 September 2014, supplemented by the note of 29 September 2014;
 - order the payment of compensation in respect of the material harm incurred by the applicant;
 - order the payment of compensation in respect of the non-material harm suffered by the applicant, evaluated on equitable principles at EUR 5 000;
 - order the defendant to pay all the costs.
-

Action brought on 21 April 2015 — ZZ v Commission**(Case F-59/15)**

(2015/C 213/77)

*Language of the case: French***Parties***Applicant:* ZZ (represented by: T. Bontinck and A. Guillerme, lawyers)*Defendant:* European Commission**Subject-matter and description of the proceedings**

Application for annulment of the decision not to pay the severance grant requested by the applicant after his service had ended and an application for the grant of damages in respect of the harm allegedly suffered.

Form of order sought

The applicant claims that the Tribunal should:

- order the payment of the requested severance grant, together with the interest accrued as of 26 March 2014, the date on which that grant should have been paid, calculated on the basis of the rate fixed by the European Central Bank for its main refinancing operations, applicable during the period concerned, increased by two points;
- grant compensation for the harm suffered by the applicant, subject to being increased or decreased during the proceedings, of EUR 4 275,80, together with interest accruing from the date on which the complaint was brought (16 September 2014), calculated on the basis of the rate fixed by the European Central Bank for its main refinancing operations, applicable during the period concerned, increased by two points;
- order the Commission to pay the costs.

Action brought on 22 April 2015 — ZZ v OHIM**(Case F-60/15)**

(2015/C 213/78)

*Language of the case: French***Parties***Applicant:* ZZ (represented by: N. Lhoëst, lawyer)*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)**Subject-matter and description of the proceedings**

Annulment of the decision of the President of OHIM of 4 June 2014 terminating the applicant's contract as a member of the temporary staff, a claim to be reinstated by OHIM if possible, and if not, to receive fair financial compensation for the alleged unlawful termination of his contract, and finally a claim for damages and interest for the non-material harm allegedly suffered.

Form of order sought

- Annul the decision of the President of OHIM of 4 June 2014 terminating the applicant's contract as a member of the temporary staff;
- Consequently, order the reinstatement of the applicant and order the defendant (i) by way of damages and interest, to pay the applicant the remuneration in respect of the period from the date on which the termination of his contract took effect until the date of his reinstatement on account of the annulment of the decision taken and (ii) to reconstitute the applicant's career unlawfully halted by the decision to terminate his contract;
- in the alternative, in the event that the applicant's reinstatement results in significant practical difficulties or is excessive with regard to the situation of a third party, order the defendant to pay fair financial compensation for the unlawful termination of the applicant's contract, taking into account not only the loss of remuneration with regard to the past but also the applicant's genuine opportunity to remain in the service of OHIM until retirement age under a contract for an indeterminate period and to develop in his career;
- in any event, order the defendant to pay damages and interest to compensate for the non-material harm suffered, assessed on equitable principles at EUR 15 000;
- order OHIM to pay all the costs.

Action brought on 23 April 2015 — ZZ and ZZ v Parliament**(Case F-62/15)**

(2015/C 213/79)

*Language of the case: French***Parties***Applicants:* ZZ and ZZ (represented by: S. Orlandi and T. Martin, lawyers)*Defendant:* European Parliament**Subject-matter and description of the proceedings**

Annulment of the decisions reducing the weighting applicable to the pensions of the applicants, who reside in Denmark, as set out in their pension statements for the month of June 2014 and compensation for non-material harm allegedly suffered as a result of the diverging and contradictory information used as grounds for the contested decisions.

Form of order sought

- Annul the decisions contained in the pension statement of June 2014 by which the weighting applicable to the pensions of the applicants is reduced as of 1 January 2014;
 - order the European Parliament to pay the costs and an amount to be fixed on an equitable basis as compensation for the non-material harm caused.
-

Action brought on 24 April 2015 — ZZ and ZZ v European Economic and Social Committee**(Case F-66/15)**

(2015/C 213/80)

*Language of the case: French***Parties***Applicants:* ZZ and Others (represented by: S. Orlandi and T. Martin, lawyers)*Defendant:* European Economic and Social Committee**Subject-matter and description of the proceedings**

Application for the annulment of the decisions reducing the correction coefficient applicable to the pension of the applicants, who live in Denmark, as shown on their pension statements for the month of June 2014, and for compensation in respect of the non-material loss alleged to have been suffered as a result of the varying and contradictory information given to justify the contested decisions.

Form of order sought

The applicants submit that the Tribunal should:

- Annul the decisions contained in the pension statements for June 2014 in accordance with which the weighting applicable to the applicants' pension is reduced with effect from 1 January 2014;
- Order the EECS to pay the costs and to pay a sum to be assessed on equitable principles in compensation for the non-material loss caused.

Action brought on 24 April 2015 — ZZ v European Commission**(Case F-67/15)**

(2015/C 213/81)

*Language of the case: French***Parties***Applicant:* ZZ (represented by: A. Salerno, lawyer)*Defendant:* European Commission**Subject-matter and description of the proceedings**

Application for the annulment of the decision not to extend the applicant's contract beyond its termination date, when that occurred at the end of the applicant's pregnancy.

Form of order sought

The applicant claims that the Tribunal should:

- Annul the decision taken by the AECC of the Commission not to extend the contract, which expired on 31 August 2014;
 - Order to the defendant to pay all the costs of the proceedings.
-

ISSN 1977-091X (electronic edition)
ISSN 1725-2423 (paper edition)



Publications Office of the European Union
2985 Luxembourg
LUXEMBOURG

EN