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Contents

EN

General Court

European Union Civil Service Tribunal

IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

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

(2015/C 034/01)

Last publication

OJ C 26, 26.1.2015.

Past publications

OJ C 16, 19.1.2015

OJ C 7, 12.1.2015

OJ C 462, 22.12.2014

OJ C 448, 15.12.2014

OJ C 439, 8.12.2014

OJ C 431, 1.12.2014

These texts are available on:

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

V

(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Request for a preliminary ruling from the Tribunal Tributário de Lisboa (Portugal) lodged on 8 October 2014 — SECIL — Companhia Geral de Cal e Cimento SA v Fazenda Pública

(Case C-464/14)

(2015/C 034/02)

Language of the case: Portuguese

Referring court

Tribunal Tributário de Lisboa

Parties to the main proceedings

Applicant: SECIL — Companhia Geral de Cal e Cimento SA

Defendant: Fazenda Pública

Questions referred

1. Does Article 31 of the Agreement with Tunisia ([1]) constitute a provision which is clear, precise and unconditional and, as such, directly applicable, and from which it must be inferred that the right of establishment is applicable to the present case?

2. If so, does the right of establishment under that provision entail the consequences which the applicant claims, in the sense that, if that right is not to be infringed, it requires that the full deduction mechanism provided for in Article 46 (1) of the CIRC [(Code on corporation tax)] be applied to the dividends which the applicant received from its subsidiary in Tunisia?

3. Does Article 34 of the Agreement with Tunisia constitute a provision which is clear, precise and unconditional and, as such, directly applicable, and from which it must be inferred that the free movement of capital is applicable to the present case and must therefore be regarded as covering the investment made by the applicant?

4. If so, does the free movement of capital under that provision have the implications which the applicant claims, inasmuch as it requires that the full deduction mechanism established in Article 46(1) of the CIRC be applied to the dividends which the applicant received from its subsidiary in Tunisia?

5. Does it result from Article 89 of the Agreement with Tunisia that the foregoing questions must be answered in the affirmative?

6. Is the restrictive treatment of the dividends distributed by *Société des Ciments de Gabés* justified, given that the framework for cooperation established in Council Directive 77/799/EEC ([2]) of 19 December 1977 concerning mutual assistance by the competent authorities of the Member States in the field of direct taxation does not exist in the case of Tunisia?

7. Do the provisions of Article 31 and Article 33(2) of the Agreement with Lebanon constitute a rule which is clear, precise and unconditional and, as such, directly applicable, and from which it must be inferred that the free movement of capital is applicable to the present case?

8. If so, does the free movement of capital under those provisions have the implications which the applicant claims, inasmuch as it requires that the full deduction mechanism established in Article 46(1) of the CIRC be applied to the dividends which the applicant received from its subsidiary in Lebanon?

9. Does it result from Article 85 of the Agreement with Lebanon ([3]) that the foregoing questions must be answered in the affirmative?

10. Is the restrictive treatment of the dividends distributed by *Ciments de Sibline, S.A.L.* justified, given that the framework for cooperation established in Council Directive 77/799/EEC of 19 December 1977 concerning mutual assistance by the competent authorities of the Member States in the field of direct taxation does not exist in the case of Lebanon?

11. Are the provisions of Article 56 EC (now Article 63 TFEU) applicable to the present case and, if so, does the free movement of capital established in that provision have the effect of requiring the application to the dividends distributed in the 2009 financial year by *Société des Ciments de Gabés, S.A.* and *Ciments de Sibline, S.A.L.* to the applicant of the full deduction mechanism provided for in Article 46(1) of the CIRC or, in the alternative, of the partial deduction mechanism provided for in Article 48(8) of the CIRC?

12. Even if the free movement of capital is considered to be applicable in the present case, may the non-application to the dividends in question of the mechanisms for the elimination or mitigation of economic double taxation provided for in the Portuguese legislation in force at that time be regarded as being justified by the fact that the framework for cooperation established in Council Directive 77/799/EEC of 19 December 1977 concerning mutual assistance by the competent authorities of the Member States in the field of direct taxation does not exist in the case of Tunisia and Lebanon?

13. Does the 'standstill' clause contained in Article 57(1) EC (now Article 64 TFEU) preclude the application of the free movement of capital, together with the consequences claimed by the applicant?

14. Must the 'standstill' clause contained in Article 57(1) EC (now Article 64 TFEU) not be applied on account of the introduction in the meantime of the scheme of tax benefits for contractual investments established in Article 41(5)(b) of the EBF [(Tax advantages scheme)] and the scheme provided for in Article 42 of the EBF for dividends from the PALOP [(Portuguese-speaking African Countries)] and East Timor?

([1]) Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part.
OJ 1998 L 97, p. 2.

([2]) OJ 1977 L 336, p. 15.

([3]) Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Lebanon, of the other part.
OJ 2006 L 143, p. 2.

Request for a preliminary ruling from the Finanzgericht Düsseldorf (Germany) lodged on 28 October 2014 — Sabine Hünnebeck v Finanzamt Krefeld

(Case C-479/14)

(2015/C 034/03)

Language of the case: German

Referring court

Finanzgericht Düsseldorf

Parties to the main proceedings

Applicant: Sabine Hünnebeck

Defendant: Finanzamt Krefeld

Question referred

Must Article 63(1) TFEU, read in conjunction with Article 65 TFEU, be interpreted as precluding legislation of a Member State which provides that, for the calculation of gift tax, the allowance to be set against the taxable value in the case of a gift of real property situated in that Member State is lower in the case where the donor and the recipient had their place of residence in another Member State on the date of execution of the gift than the allowance which would have been applicable if at least one of them had had his or her place of residence in the former Member State on that date, even if other legislation of the Member State provides that, on the application of the recipient of the gift, the higher allowance is to be applied, on condition that account is taken of all assets transferred gratuitously by the donor ten years prior to and within ten years following the date of execution of the gift?

Request for a preliminary ruling from the Oberlandesgericht Düsseldorf (Germany) lodged on 30 October 2014 — Jørn Hansson v Jungpflanzen Grünewald GmbH

(Case C-481/14)

(2015/C 034/04)

Language of the case: German

Referring court

Oberlandesgericht Düsseldorf

Parties to the main proceedings

Applicant: Jørn Hansson

Defendant: Jungpflanzen Grünewald GmbH

Questions referred

1. In the determination of the 'reasonable compensation' which an infringer must pay to the holder of a Community plant variety right pursuant to Article 94(1)(a) of [Regulation (EC) No 2100/94] ([1]) because he has effected the acts set out in Article 13(2) of that regulation without being entitled to do so, must, in addition to the normal market fee charged in the same sector for a licence to effect the acts specified in Article 13(2) of that regulation, a specific 'infringer supplement' also be applied on a flat-rate basis in every case? Does this follow from the second sentence of Article 13(1) of [Directive 2004/48/EC] ([2])?

2. In the determination of the 'reasonable compensation' which an infringer must pay to the holder of a Community plant variety right pursuant to Article 94(1)(a) of Regulation (EC) No 2100/94 because he has effected the acts set out in Article 13(2) of that regulation without being entitled to do so, must, in addition to the normal market fee charged in the same sector for a licence to effect the acts specified in Article 13(2) of that regulation, account also be taken in an individual case of the following considerations or circumstances as factors that increase the compensation payable:

   (a) In the determination of the market licence fee by reference to licence agreements concluded and accounts settled for the variety in relation to which rights were infringed, the fact that, in the relevant period, as a result of special characteristics, the variety in question had a unique market position?

   If consideration may be given to this factor in an individual case:

   May the compensation be increased only if the characteristics giving rise to the variety's unique position are included the description of the variety for the purposes of the plant variety right?

(b) In the determination of the market licence fee by reference to licence agreements concluded and accounts settled for the variety in relation to which rights were infringed, the fact that, at the time when the infringing variety was introduced, the variety in relation to which rights were infringed had been very successfully marketed and, as a result, the infringer saved on the costs of introducing itself the infringing variety on to the market?

(c) The fact that, in terms of time and having regard to the number of plants sold, the magnitude of the rights infringement in relation to the applicant's variety was greater than average?

(d) The consideration that the infringer, unlike a licensee, does not face the risk of having to pay a licence fee (that cannot be returned) in relation to the variety in question although the plant variety right for such variety is subject to legal challenge and may subsequently be declared null and void?

(e) The fact that the infringer, unlike the usual situation in the case of licensees, was not required to account for sales on a quarterly basis?

(f) The consideration that the holder of the plant variety right bears the risk in relation to inflation, which is of significance because of the significant period involved in pursuing legal action?

(g) The consideration that, as a result of having to pursue legal action, the holder of the plant variety right, unlike the situation in which he obtains income through the granting of licences in relation to the variety in question, cannot plan the income to be obtained through this variety?

(h) The consideration that, where rights relating to the variety in issue are infringed, the holder of those rights bears both the general risks associated with litigation and, ultimately, the risk that judgment may not be enforceable against the infringer?

(i) The consideration that, in the case of an infringement of plant variety rights resulting from the unauthorised actions of the infringer, the holder of those rights is deprived of the freedom to determine whether the infringer may be allowed to use the variety in respect of which the holder holds the rights?

3. In the determination of the 'reasonable compensation' which an infringer must pay to the holder of a Community plant variety right pursuant to Article 94(1)(a) of Regulation (EC) No 2100/94 because he has effected the acts set out in Article 13(2) of that regulation without being entitled to do so, must account also be taken of interest payable at a usual rate of default interest on the annual compensation amount if it is to be presumed that contracting parties acting reasonably would have provided for the payment of interest of that kind?

4. In the calculation of 'further damage resulting from the act in question' for which an infringer must compensate the holder of a Community plant variety right pursuant to the first sentence of Article 94(2) of Regulation (EC) No 2100/94 because he has effected the acts set out in Article 13(2) of that regulation without being entitled to do so, must the market licence fee normally charged in the same sector for the acts specified in Article 13(2) of that regulation be taken as the basis for that calculation?

5. If Question 4 is answered in the affirmative:

(a) In the calculation of the 'further damage' pursuant to the first sentence of Article 94(2) of Regulation (EC) No 2100/94 on the basis of a market licence, must account be taken in an individual case of the considerations and circumstances set out in Question 2(a) to (i) and/or of the fact that, by reason of having to pursue legal action, the holder of the plant variety right is required personally to spend a commensurate amount of time in identifying the infringement and dealing with the matter and to carry out investigations regarding the infringement of the plant variety right to the extent to which this is usual in infringement cases of this kind such as to justify a premium over and above the market licence fee?

(b) In the calculation of 'further damage' pursuant to the first sentence of Article 94(2) of Regulation (EC) No 2100/94 on the basis of a market licence, must a specific 'infringer supplement' be applied on a flat-rate basis in every case? Does this follow from the second sentence of Article 13(1) of Directive 2004/48?

(c) In the calculation of 'further damage' pursuant to the first sentence of Article 94(2) of Regulation (EC) No 2100/94 on the basis of a market licence, must account be taken of interest payable at a usual rate of default interest on the annual compensation amount if it is to be presumed that contracting parties acting reasonably would have provided for the payment of interest of that kind?

6. Must the first sentence of Article 94(2) of Regulation (EC) No 2100/94 be interpreted to mean that the infringer's profit constitutes 'further damage' within the meaning of that provision which can be claimed in addition to reasonable compensation pursuant to Article 94(1) of that regulation or, in the event that the wrongdoing was intentional or negligent, can the infringer's profit be claimed under the first sentence of Article 94(2) only as an alternative to reasonable compensation pursuant to Article 94(1)?

7. Is the right to compensation for damage specified in Article 94(2) of Regulation (EC) No 2100/94 precluded by national legislation according to which the holder of the plant variety right ordered by decision having the force of law to pay the costs of interlocutory proceedings in which a temporary injunction was sought on the basis of an infringement of plant variety rights cannot claim reimbursement of those costs on the basis of arguments of substantive law even if, in the main proceedings relating to the same plant variety right infringement, his action is successful?

8. Is the right to compensation for damage specified in Article 94(2) of Regulation (EC) No 2100/94 precluded by national legislation according to which an injured party, outside of the strict framework of an action for costs, cannot claim for his own time spent in the extra-judicial and judicial pursuit of a compensation claim if the time spent does not exceed what is normal in the circumstances?

([1]) Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights, OJ 1994 L 227, p. 1.

([2]) Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights, OJ 2004 L 157, p. 45.

Request for a preliminary ruling from the Bundesgerichtshof (Germany) lodged on 6 November 2014 — Freistaat Bayern v Verlag Esterbauer GmbH

(Case C-490/14)

(2015/C 034/05)

Language of the case: German

Referring court

Bundesgerichtshof

Parties to the main proceedings

Applicant: Freistaat Bayern

Defendant: Verlag Esterbauer GmbH

Question referred

In relation to the question whether a collection of independent materials exists within the meaning of Article 1(2) of Directive 96/9/EC ([1]) because the materials can be separated from one another without the value of their informative content being affected, is every conceivable informative value decisive or only the value which is to be determined on the basis of the purpose of the collection and having regard to the resulting typical conduct of users?

([1]) Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases, OJ 1996 L 77, p. 20.

Request for a preliminary ruling from the Rechtbank van eerste aanleg te Brussel (Belgium) lodged on 5 November 2014 — Essent Belgium NV v Vlaams Gewest, Inter-Energa and Others

(Case C-492/14)

(2015/C 034/06)

Language of the case: Dutch

Referring court

Rechtbank van eerste aanleg te Brussel

Parties to the main proceedings

Applicant: Essent Belgium NV

Defendants: Vlaams Gewest, Inter-Energa, IVEG, Infrax West, Provinciale Brabantse Energiemaatschappij CVBA (PBE), Vlaamse Regulator van de Electriciteits- en Gasmarkt (VREG)

Other parties: Intercommunale Maatschappij voor Energievoorziening Antwerpen (IMEA), Intercommunale Maatschappij voor Energievoorziening in West- en Oost-Vlaanderen (IMEWO), Intercommunale Vereniging voor Energielevering in Midden-Vlaanderen (Intergem), Intercommunale Vereniging voor de Energiedistributie in de Kempen en het Antwerpse (IVEKA), Iverlek, Gaselwest CVBA, Sibelgas CVBA

Questions referred

1) Should Article 28 and Article 30 of the Treaty Establishing the European Community be interpreted as precluding a regulation of a Member State, in the present case the Flemish Decreet van 17 juli 2000 houdende de organisatie van de elektriciteitsmarkt (Decree of 17 July 2000 on the organisation of the electricity market) read in conjunction with the Decision of the Flemish Government of 4 April 2003 'amending the Decision of the Flemish Government of 28 September 2001 promoting the production of electricity from renewable energy sources' and restricting free distribution to the feed-in of electricity produced by the generating installations connected to the distribution systems in the Flemish Region and excluding electricity from generating installations which are not connected to distribution systems in the Flemish Region?

2) Should Article 28 and Article 30 of the Treaty Establishing the European Community be interpreted as precluding a regulation of a Member State, in the present case the Flemish Decreet van 17 juli 2000 houdende de organisatie van de elektriciteitsmarkt (Decree of 17 July 2000 on the organisation of the electricity market) read in conjunction with the Decision of 5 March 2004 promoting the production of electricity from renewable energy sources, as applied by the VREG, which restricts free distribution to the electricity in generating installations which feed directly into a distribution system in Belgium and excludes from free distribution the electricity in generating installations which do not feed directly into a distribution system in Belgium?

3) Is a national rule as referred to in sub-question 1 and sub-question 2 above compatible with the principle of equal treatment and the prohibition of discrimination as embodied inter alia in Article 12 of the Treaty Establishing the European Community and [Article 3(1) and Article 3(4)] of the then Directive 2003/54/EC ([1]) of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in electricity and repealing Directive 96/92/EC?

([1]) OJ 2003 L 176, p. 37.

Request for a preliminary ruling from the Tribunal de première instance de Bruxelles (Belgium) lodged on 6 November 2014 — European Union, acting through the European Commission v Axa Belgium SA

(Case C-494/14)

(2015/C 034/07)

Language of the case: French

Referring court

Tribunal de première instance de Bruxelles

Parties to the main proceedings

Applicant: European Union, acting through the European Commission

Defendant: Axa Belgium SA

Questions referred

1) Must the term *'the third party [who caused the death, accidental injury or sickness of a person]'* used in Article 85a(1) of the Staff Regulations of European officials be interpreted autonomously in EU law, or does it refer to the meaning that the term has in national law?

2) If the term has an autonomous scope, must it be interpreted as referring to any person who caused the death, accidental injury or sickness of a person or only a person who is liable by reason of a fault that that person has committed?

3) If the term *'the third party [who caused the death, accidental injury or sickness of a person]'* is to be interpreted in accordance with national law, does EU law require the national court to allow a subrogated claim lodged by the European Union where one of its officials has been the victim of a road traffic accident involving a vehicle in respect of which liability has not been established, inasmuch as Article 29a of the Law of 21 November 1989 on compulsory insurance against civil liability in respect of the use of motor vehicles provides for the automatic compensation of vulnerable road users by insurers who cover the civil liability of the owner, driver or keeper of the motor vehicle involved in the accident, without the civil liability of the owner, driver or keeper having to be established?

4) Does the content of or system established by the Staff Regulations mean that the expenses incurred by the European Union under Articles 73 and 78 of those regulations must definitively remain its own responsibility?

Request for a preliminary ruling from the Tribunale ordinario di Torino (Italy) lodged on 7 November 2014 — Criminal proceedings against Stefano Burzio

(Case C-497/14)

(2015/C 034/08)

Language of the case: Italian

Referring court

Tribunale ordinario di Torino

Party to the main proceedings

Stefano Burzio

Question referred

On a proper construction of Article 4 of [Protocol No 7 to the European Convention on the Protection of Human Rights and Fundamental Freedoms] and Article 50 [of the Charter of Fundamental Rights of the European Union], is the provision made under Article 10a of Legislative Decree No 74 [of 10 March 2000] consistent with Community law, in so far as it permits the criminal liability of a person on whom an irreversible administrative penalty under Article 13(1) of Legislative Decree No 471 [of 18 December 1997] has already been imposed (through the application of a surtax) to be assessed in respect of the same act or omission (non-payment of withholding tax)?

Request for a preliminary ruling from the Korkein hallinto-oikeus (Finland) lodged on 12 November 2014 — Yara Suomi Oy, Borealis Polymers Oy, Neste Oil Oyj, SSAB Europe Oy

(Case C-506/14)

(2015/C 034/09)

Language of the case: Finnish

Referring court

Korkein hallinto-oikeus

Parties to the main proceedings

Applicants: Yara Suomi Oy, Borealis Polymers Oy, Neste Oil Oyj, SSAB Europe Oy

Other party to the proceedings: Työ- ja elinkeinoministeriö

Questions referred

1) Is Commission Decision 2013/448/EU ([1]), in so far as it is based on Article 10a(5) of the Emissions Trading Directive ([2]), invalid and does it infringe Article 23(3) of that directive, because it was not adopted on the basis of the regulatory procedure with scrutiny, as is prescribed in Article 5a of Council Decision 1999/468/EC ([3]) and Article 12 of Regulation No 182/2011/EU ([4])? In the event that the answer to that question is in the affirmative, the following questions need not be answered.

2) Does Commission Decision 2013/448/EU infringe Article 10a(5)(a) of the Emissions Trading Directive, in so far as the Commission, when establishing the industry cap, did not take into account:

   (i) some of the verified emissions for the period 2005 to 2007 of activities and installations which for the period 2008 to 2012 were included within the scope of the Emissions Trading Directive, but for which in the period 2005 to 2007 there was no verification obligation and which were therefore not registered in the Community Independent Transaction Log (CITL);

   (ii) new activities included for the periods 2008 to 2012 and 2013 to 2020 within the scope of the Emissions Trading Directive, in so far as they had not in the period 2005 to 2007 been included within the scope of that Directive and were not carried out at installations which in the period 2005 to 2007 were already within the scope of the Emissions Trading Directive;

   (iii) emissions from installations decommissioned before 30 June 2011, although in fact in the period 2005 to 2007 and partially also in the period 2008 to 2012 there were verified emissions from those installations?

In the event that the questions 2 (i) to (iii) are to any extent to be answered in the affirmative, is Commission Decision 2013/448/EU with respect to the application of the cross-sectoral correction factor invalid, so that it should not be applied?

3) Is Commission Decision 2013/448/EU invalid and does it infringe Article 10a(5) of the Emissions Trading Directive and the objectives of that directive, in that for the calculation of the industry cap under Article 10a(5)(a) and (b) of the Emissions Trading Directive no account is taken of emissions which arise when (i) electricity is generated from waste gases in installations indicated in Annex I to the Emissions Trading Directive which are not 'electricity generators', and (ii) heat is produced in installations indicated in Annex I to the Emissions Trading Directive which are not 'electricity generators', and to which installations under Article 10a(1) to (4) of the Emissions Trading Directive and Decision 2011/278/EU ([5]) allowances ought to be allocated free of charge?

4) Is Commission Decision 2013/448/EU — by itself or in conjunction with Article 10a(5) of the Emissions Trading Directive — invalid and does it infringe Article 3(e) and (u) of the Emissions Trading Directive, since for the calculation of the industry cap under Article 10a(5)(a) and (b) of the Emissions Trading Directive the emissions referred to in Question 3 above are left out of account?

5) Does Commission Decision 2013/448/EU infringe Article 10a(12) of the Emissions Trading Directive, in so far as the cross-sectoral correction factor is extended to a sector defined in Commission 2010/2/EU ([6]) in which there is a significant risk of carbon leakage?

6) Does Decision 2011/278/EU infringe Article 10a(1) of the Emissions Trading Directive, in so far as the Commission's measures for the establishment of benchmarks should take into account incentives for energy efficient techniques, the most efficient techniques, high efficiency co-generation, and the efficient energy recovery of waste gases?

7) Does Decision 2011/278/EU infringe Article 10a(2) of the Emissions Trading Directive, is so far as the principles for setting benchmarks should be based on the average performance of the 10 % most efficient installations in a sector?

([1]) 2013/448/EU: Commission Decision of 5 September 2013 concerning national implementation measures for the transitional free allocation of greenhouse gas emission allowances in accordance with Article 11(3) of Directive 2003/87/EC of the European Parliament and of the Council (OJ 2013 L 240, p. 27).

([2]) 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 (OJ 2003 L 275, p. 32).

([3]) 1999/468/EC: Council Decision of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ 1999 L 184, p. 23).

([4]) Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ 2011 L 55, p. 13).

([5]) 2011/278/EU: Commission Decision of 27 April 2011 determining transitional Union-wide rules for harmonised free allocation of emission allowances pursuant to Article 10a of Directive 2003/87/EC of the European Parliament and of the Council (OJ 2011 L 130, p. 1).

([6]) 2010/2/EU: Commission Decision of 24 December 2009 determining, pursuant to Directive 2003/87/EC of the European Parliament and of the Council, a list of sectors and subsectors which are deemed to be exposed to a significant risk of carbon leakage (notified under document C(2009) 10251) (OJ 2010 L 1, p. 10).

Request for a preliminary ruling from the Tribunale civile di Bologna (Italy) lodged on 14 November 2014 — Pebros Servizi s.r.l. v Aston Martin Lagonda Limited

(Case C-511/14)

(2015/C 034/10)

Language of the case: Italian

Referring court

Tribunale civile di Bologna

Parties to the main proceedings

Applicant: Pebros Servizi s.r.l.

Defendant: Aston Martin Lagonda Limited

Question referred

In the case of a judgment in default (of appearance), given against the defendant in default of appearance/failing to appear without, moreover, there being any express acknowledgement of the law by the defendant in default/failing to appear;

Is it for national law to decide whether such procedural conduct amounts to non-contestation, for the purposes of Regulation No 805/2004/EC of 21 April 2004 [1], published in the Official Journal of the European Union of 30 April 2004, which could possibly, under national law, negate the uncontested nature of the claim

or

Does a judgment in default of appearance constitute, by reason of its very nature alone, on the basis of EU law, non-contestation, with the result that Regulation No 805/2004 applies, irrespective of the assessment of the national court?

[1] Regulation (EC) No 805/2004 of the European Parliament and of the Council of 21 April 2004 creating a European Enforcement Order for uncontested claims (OJ 2004 L 143, p. 15).

Request for a preliminary ruling from the Tribunal Arbitral Tributário (Centro de Arbitragem Administrativa — CAAD) (Portugal) lodged on 17 November 2014 — Barlis 06 — Investimentos Imobiliários e Turísticos SA v Autoridade Tributária e Aduaneira

(Case C-516/14)

(2015/C 034/11)

Language of the case: Portuguese

Referring court

Tribunal Arbitral Tributário (Centro de Arbitragem Administrativa — CAAD)

Parties to the main proceedings

Applicant: Barlis 06 — Investimentos Imobiliários e Turísticos SA

Defendant: Autoridade Tributária e Aduaneira

Question referred

Must Article 226(6) of the VAT Directive [1] be interpreted as permitting the Autoridade Tributária e Aduaneira [Portuguese Tax and Customs Authority] to regard as insufficient a description on an invoice which states '*legal services rendered from such a date until the present date*' or merely '*legal services rendered until the present date*', where that body may, in accordance with the principle of collaboration, obtain the additional information which it deems necessary to confirm the existence and detailed characteristics of the relevant transactions?

[1] Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax. OJ 2006 L 347, p. 1.

Request for a preliminary ruling from the Niedersächsisches Finanzgericht (Germany) lodged on 18 November 2014 — Senatex GmbH v Finanzamt Hannover-Nord

(Case C-518/14)

(2015/C 034/12)

Language of the case: German

Referring court

Niedersächsisches Finanzgericht

Parties to the main proceedings

Applicant: Senatex GmbH

Defendant: Finanzamt Hannover-Nord

Questions referred

1. Is the *ex nunc* effect of the first issue of an invoice, as established by the Court of Justice in the judgment in Case C-152/02 *Terra Baubedarf-Handel* v *Finanzamt Osterholz-Scharmbeck* ([1]), qualified by the judgments of the Court of Justice in Case C-368/09 *Pannon Gép Centrum* v *Központi Hivatal Hatósági Főosztály Dél-dunántúli Kihelyezett Hatósági Osztáy* ([2]) and Case C-271/12 *Petroma Transports* v *Belgium* ([3]) as regards cases, such as the present, in which an incomplete invoice is completed, so that the Court of Justice ultimately intended to permit retrospective effect in such cases?

2. What are the minimum requirements for an invoice to be capable of correction with retrospective effect? Is it necessary that the original invoice bears a tax number or a VAT identification number, or can these be added later with the consequence that the right to deduction is retained on the basis of the original invoice?

3. Is a correction to an invoice in time if it is only made in the course of objection proceedings against the decision (amendment notice) of the tax authority?

([1]) ECLI:EU:C:204:268.
([2]) ECLI:EU:C:2010:441.
([3]) ECLI:EU:C:2013:297.

Request for a preliminary ruling from the Korkein oikeus (Finland) lodged on 18 November 2014 — SOVAG — Schwarzmeer und Ostsee Versicherungs-Aktiengesellschaft v If Vahinkovakuutusyhtiö Oy

(Case C-521/14)

(2015/C 034/13)

Language of the case: Finnish

Referring court

Korkein oikeus

Parties to the main proceedings

Appellant: SOVAG — Schwarzmeer und Ostsee Versicherungs-Aktiengesellschaft

Respondent: If Vahinkovakuutusyhtiö Oy

Question referred

Is Article 6(2) of Council Regulation (EC) No 44/2001 ([1]) on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters to be interpreted as covering an action, such as that described above, on a warranty or guarantee or another equivalent claim closely linked to the original action, which is brought by a third party, as permitted by national law, against one of the parties with a view to its being heard in the same court proceedings?

([1]) OJ 2001 L 12, p. 1.

Request for a preliminary ruling from the Rechtbank Gelderland (Netherlands) lodged on 20 November 2014 — Aannemingsbedrijf Aertssen NV, Aertssen Terrassements SA v VSB Machineverhuur BV and Others

(Case C-523/14)

(2015/C 034/14)

Language of the case: Dutch

Referring court

Rechtbank Gelderland

Parties to the main proceedings

Applicants: Aannemingsbedrijf Aertssen NV, Aertssen Terrassements SA

Defendants: VSB Machineverhuur BV, Van Sommeren Bestrating BV, Jos van Sommeren

Questions referred

1. Does the complaint lodged by [the applicants] as a civil claimant, as referred to in Article 63 et seq. of the Belgian Code of Criminal Procedure, given the manner in which it was lodged and the stage which the proceedings have reached, come within the scope *ratione materiae* of Regulation No 44/2001 ([1])?

   If Question 1 is answered in the affirmative:

2. Must Article 27(1) of Regulation No 44/2001 be interpreted as meaning that proceedings in a foreign (Belgian) court, within the meaning of that provision, must be deemed also to have been brought in a case in which a complaint involving a civil claimant has been lodged with a Belgian investigating judge and the preliminary judicial investigation has not yet been completed?

3. If the answer is in the affirmative: at what stage of the case brought by the lodging of a complaint involving a civil claimant will proceedings be deemed to have been brought and/or the court be deemed to be seised for the purposes of the application of, respectively, Article 27(1) and Article 30 of Regulation No 44/2001?

4. If the answer is in the negative: must Article 27(1) of Regulation No 44/2001 be interpreted as meaning that the lodging of a complaint involving a civil claimant can lead to proceedings subsequently being brought in a Belgian court within the meaning of that provision?

5. If the answer is in the affirmative: at what stage will proceedings be deemed to have been brought and/or the court deemed to be seised for the purposes of the application of, respectively, Article 27(1) and Article 30 of Regulation No 44/2001?

6. If a complaint involving a civil claimant has been lodged but that does not mean that, at the time of lodging, proceedings as referred to in Article 27(1) of Regulation No 44/2001 have yet been brought, and where, in the course of examination of the complaint lodged, proceedings may subsequently be brought with retroactive effect to the date of the lodging of the complaint, does Article 27(1) of Regulation No 44/2001 have the effect that the court seised of the matter after the complaint involving a civil claimant has been lodged with the Belgian court must stay its proceedings until such time as it has been established whether proceedings as referred to in Article 27(1) [of Regulation No 44/2001] have been brought in the Belgian court?

([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).

Request for a preliminary ruling from the Tribunale di Bergamo (Italy) lodged on 24 November 2014 — Criminal proceedings against Andrea Gaiti and Others

(Case C-534/14)

(2015/C 034/15)

Language of the case: Italian

Referring court

Tribunale di Bergamo

Parties to the main proceedings

Andrea Gaiti, Sidi Amidou Billa, Joseph Arasomwan, Giuseppe Carissimi, Sahabou Songne

Questions referred

1) Are Article 49 et seq. TFEU and Article 56 et seq. TFEU, considered also in the light of the principles set out in the judgment of the Court of Justice of the European Union of 16 February 2012 [in Joined Cases C-72/10 and C-77/10], to be interpreted as precluding a call for tenders for the award of licences with a period of validity shorter than that of licences awarded in the past?

2) Are Article 49 et seq. TFEU and Article 56 et seq. TFEU, considered also in the light of the principles set out in the judgment of the Court of Justice of the European Union of 16 February 2012 [in Joined Cases C-72/10 and C-77/10], to be interpreted as precluding the possibility that sufficient justification for the shorter period of validity of licences offered for tender, as compared with licences awarded in the past, can be found in the requirement for the licensing system to be reorganised through the alignment of licence expiry dates

3) Are Article 49 et seq. TFEU and Article 56 et seq. TFEU, considered also in the light of the principles set out in the judgment of the Court of Justice of the European Union of 16 February 2012 [in Joined Cases C-72/10 and C-77/10], to be interpreted as precluding the imposition of an obligation to transfer, free of charge, the use of tangible and intangible assets represented by the betting management and collection network in the event that the activity has ceased owing to the expiry of the licence or as a result of measures disqualifying the licence-holder or withdrawing the licence?

Action brought on 25 November 2014 — European Commission v Grand Duchy of Luxembourg

(Case C-536/14)

(2015/C 034/16)

Language of the case: French

Parties

Applicant: European Commission (represented by: J. Hottiaux and L. Nicolae, acting as Agents)

Defendant: Grand Duchy of Luxembourg

Form of order sought

The applicant claims that the Court should:

— declare that:

— by failing to carry out and notify the analyses of markets 7 and 14 in Recommendation 2003/311/EC ([1]) and markets 1 and 6 in Recommendation 2007/879/EC ([2]) within three years from the adoption of previous measures concerning the markets in question, and by failing to notify a reasoned proposed extension to the time-limit to the Commission,

— and by failing to request BEREC's assistance in completing the analyses of the markets in question,

the Grand Duchy has failed to fulfil its obligations under Article 16(6) and (7) of Directive 2002/21/EC ([3]) of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive), as amended by Directive 2009/140/EC ([4]) of the European Parliament and of the Council of 25 November 2009;

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

Pleas in law and main arguments

In the first place, the Commission complains that the Grand Duchy of Luxembourg has not carried out nor has it notified the analyses of markets 7 and 14 in Recommendation 2003/311/EC and markets 1 and 6 in Recommendation 2007/879/EC within three years from the adoption of previous measures concerning the markets in question.

In the second place, the Commission complains that the Grand Duchy of Luxembourg has not requested, within the time-limits set, BEREC's assistance in completing the analyses of the specific markets and adopting the regulatory measures that are required.

([1]) Commission Recommendation 2003/311/EC of 11 February 2003 on relevant product and service markets within the electronic communications sector susceptible to ex ante regulation in accordance with Directive 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communication networks and services (OJ 2003 L 114, p. 45).
([2]) Commission Recommendation 2007/879/EC of 17 December 2007 on relevant product and service markets within the electronic communications sector susceptible to ex ante regulation in accordance with Directive 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communications networks and services (OJ 2007 L 344, p. 65).
([3]) OJ 2002 L 108, p. 33.
([4]) OJ 2009 L 337, p. 37.

Action brought on 26 November 2014 — European Commission v Republic of Finland

(Case C-538/14)

(2015/C 034/17)

Language of the case: Finnish

Parties

Applicant: European Commission (represented by: I. Koskinen and D. Martin, acting as Agents)

Defendant: Republic of Finland

Form of order sought

— declare that, by failing to designate a body with competence to perform, in the field of working life, the tasks required by Article 13 of Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin ([1]), and by failing to ensure that those tasks are actually performed, the Republic of Finland has failed to fulfil its obligations under Articles 3(1) and 13 of that directive;

— order the Republic of Finland to pay the costs.

Pleas in law and main arguments

Under Article 3(1) of Directive 2000/43/EC, the scope of the directive includes working life. Under Article 13 of Directive 2000/43/EC Member States are to designate a body or bodies for the promotion of equal treatment of all persons without discrimination on the grounds of racial or ethnic origin, and to ensure that the competences of at least one of the nominated bodies extend, as regards the matters and tasks laid down in that article, to action in questions concerning working life. Since no body is designated in Finnish legislation to carry out the tasks laid down in Article 13 of Directive 2000/43/EC in questions of working life, the Republic of Finland has failed to fulfil its obligations under Articles 3(1) and 13 of that directive.

(1) OJ 2000 L 180, p. 22.

Appeal brought on 26 November 2014 by Royal Scandinavian Casino Århus I/S against the judgment delivered on 26 September 2014 in Case T-615/11 Royal Scandinavian Casino Århus I/S v European Commission

(Case C-541/14 P)

(2015/C 034/18)

Language of the case: Danish

Parties

Appellant: Royal Scandinavian Casino Århus I/S (represented by: B. Jacobi and P. Vesterdorf, advokater)

Other parties to the proceedings: European Commission, Kingdom of Denmark, Republic of Malta, Betfair Group plc, Betfair International Ltd, European Gaming and Betting Association (EGBA)

Form of order sought

1. Set aside the General Court's judgment of 26 September 2014 in Case T-615/11 *Royal Scandinavian Casino Århus* concerning the measure C 35/10 (ex N 302/10) relating to Denmark's implementation of duties on online gambling in the Danish Gaming Duties Act, under which the appellant has no interest in bringing proceedings.

2. Order the European Commission to bear its own costs and to pay those of the appellant, and order the intervener to bear its own costs for the proceedings before the General Court and the Court of Justice.

Pleas in law and main arguments

1. The appellant submits that the General Court was incorrect in holding that the appellant has no interest in bringing proceedings, since the appellant fulfils the criteria in Article 263 Treaty on Functioning of the European Union to bring proceedings against the EU Commission.

2. The appellant further submits that, in its judgment of 26 September 2014 in Case T-615/11 *Royal Scandinavian Casino Århus*, the General Court erred in law in a manner detrimental to the appellant's interests by:

   a) stating in paragraph 43, with reference to a lack of evidence, that the appellant had not demonstrated which effect the State aid would have on the appellant's financial situation;

   b) concluding in paragraph 44 that the appellant accordingly had not demonstrated the State aid could cause significant harm to the appellant's position on the relevant market and therefore could not be regarded as being individually concerned;

c) finding in paragraph 42 that the appellant was not individually concerned by the contested decision, even though the appellant's casino is part of a closed circle of land-based casinos;

d) stating in paragraph 52 that the appellant's action did not fulfil the conditions for admissibility set out in the last part of the fourth paragraph of Article 263 TFEU; and

e) stating in paragraph 53 that the action should be dismissed on the ground that the appellant had no interest in bringing proceedings.

3. The appellant submits that the casino is individually concerned, since:

— the appellant had made a complaint to the Commission concerning the State aid in question in the form of markedly lower taxes for online gaming, had participated actively in both the preliminary and formal investigation procedures, and the casino was significantly affected by the State aid measure;

— the appellant's business consists of the small number of land-based casinos which are affected by the aid measure, and which legally and factually are distinct from all other businesses in Denmark; and

— the contested decision from the Commission, which approves the Danish State's aid measure in the form of lower taxes for online gaming, is not a regulatory act covering implementation measures, in any event not in relation to the appellant.

Appeal brought on 9 December 2014 by Raffinerie Heide GmbH against the judgment of the General Court (Fifth Chamber) delivered on 26 September 2014 in Case T-631/13 *Raffinerie Heide GmbH* v *Commission*

(Case C-564/14 P)

(2015/C 034/19)

Language of the case: German

Parties

Appellant: Raffinerie Heide GmbH (represented by: U. Karpenstein and C. Eckart, Rechtsanwälte)

Other party to the proceedings: European Commission

Form of order sought

The appellant claims that the Court should:

— Set aside the judgment of the General Court of the European Union of 26 September 2014;

— Annul Commission Decision 2013/448/EU ([1]) of 5 September 2013 concerning national implementation measures for the transitional free allocation of greenhouse gas emission allowances in accordance with Article 11(3) of Directive 2003/87/EC ([2]) of the European Parliament and of the Council in so far as Article 1(1) of that decision, in conjunction with Annex I, Point A, to that decision, rejects the appellant's inscription on the list submitted pursuant to Article 11 of Directive 2003/87/EC and rejects the preliminary annual amount of emission allowances allocated free of charge to the appellant's installation with the identifier DE000000000000010;

— Order the Commission to pay the costs.

Grounds of appeal and main arguments

1. By its first ground of appeal, the appellant alleges infringement of its procedural rights. In particular, it submits that the General Court in no way dealt with the appellant's main complaint, which was conceded at the hearing before that Court, that the Commission had not individually examined the hardship cases that Germany had submitted to it.

2. By its second ground of appeal, the appellant alleges that the General Court erred in assuming that Community emissions trading from the outset excludes individual hardship cases from being taken into consideration. It submits that the judgment under appeal therefore infringes Articles 11(3) and 10a of Directive 2003/87 EC as well as Commission Decision 2011/278.

3. By its third ground of appeal, the appellant submits that the General Court failed to have regard to the Commission's duty to interpret in a manner consistent with fundamental rights and in doing so infringed Article 51(1) of the Charter of Fundamental Rights of the European Union (CFREU).

4. The fourth ground of appeal alleges a procedural error in the form of a distortion of the clear sense of the evidence because the General Court did not take the evidence of hardship submitted by the appellant into account in its reasoning.

5. Lastly, the appellant submits that the judgment of the General Court infringes the fundamental rights set out in Articles 16 and 17, in conjunction with Article 52(1), CFREU. That judgment, it argues, errs in describing Commission Decision 2011/278 as consistent with fundamental rights and proportionate.

([1]) Commission Decision of 5 September 2013 concerning national implementation measures for the transitional free allocation of greenhouse gas emission allowances in accordance with Article 11(3) of Directive 2003/87/EC of the European Parliament and of the Council (OJ 2013 L 240, p. 27).

([2]) 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 (OJ 2003 L 275, p. 32).

Appeal brought on 9 December 2014 by Jean-Charles Marchiani against the judgment of the General Court (Third Chamber) delivered on 10 October 2014 in Case T-479/13 Marchiani v Parliament

(Case C-566/14 P)

(2015/C 034/20)

Language of the case: French

Parties

Appellant: Jean-Charles Marchiani (represented by: C.-S. Marchiani, avocat)

Other party to the proceedings: European Parliament

Form of order sought

— Set aside the judgment of the General Court (Third Chamber) of 10 October 2014 in Case T-479/13 Jean-Charles Marchiani v European Parliament.

Pleas and main arguments

In support of his appeal, the appellant raises five grounds of appeal.

Firstly, he believes that the General Court erred in law in refusing to apply to him the texts implementing the Statute for Members of the European Parliament. The decision of 4 July 2013 was taken following proceedings which were irregular since they ran counter to the decision of the European Parliament Bureau of 19 May and 9 July 2008 implementing the Statute for Members of the European Parliament. In addition, that decision was adopted, more generally, in breach of the adversarial principle and the principle of respect for the rights of the defence.

Secondly, the General Court erred in law and vitiated its reasoning by a contradiction in the grounds by referring to the PEAM Rules to validate the contested decision of 4 July 2013. On the one hand, the decision of 4 July 2013 is the result of an incorrect application of the PEAM Rules, repealed in 2009. On the other, the General Court, which initially referred to those PEAM Rules, then abandoned all reference to them in the course of the proceedings, putting forward as the sole legal basis the Financial Regulation of the European Union published in 2012.

Thirdly, the appellant complains that the General Court erred in law by making him alone bear the burden of proof.

Fourthly, the General Court committed a gross breach of the principle of impartial treatment required of all authorities of the European Union in the exercise of their tasks. The General Court failed entirely to take account of the political functions previously exercised by the Secretary-General of the European Parliament, the author of the contested decision.

Finally, the appellant complains that the General Court erred in law by accepting that the decision of 4 July 2013 rules on sums the recovery of which is in any event time-barred. The appellant thus submits that the failure by the General Court to have regard to the rules of limitation led to an infringement of the principle of non-retroactivity of Community acts, the principle of legitimate expectations and an infringement of the reasonable time principle.

GENERAL COURT

Judgment of the General Court of 9 December 2014 — SP v Commission

(Cases T-472/09 and T-55/10) ([1])

(Competition — Agreements, decisions and concerted practices — Market for concrete reinforcing bars in bars or coils — Decision finding an infringement of Article 65 CS after the expiry of the ECSC Treaty on the basis of Regulation (EC) No 1/2003 — Fixing of prices and payment terms — Limiting or controlling output or sales — Infringement of essential procedural requirements — Legal basis — Misuse of powers and abuse of procedure — Fines — Ceiling laid down by Article 23(2) of Regulation No 1/2003 — Action for annulment — Amending decision — Inadmissibility)

(2015/C 034/21)

Language of the case: Italian

Parties

Applicant: SP SpA (Brescia, Italy) (represented by: G. Belotti, lawyer)

Defendant: European Commission (represented, in Case T-472/09, initially by R. Sauer, V. Di Bucci and B. Gencarelli, and subsequently by R. Sauer and R. Striani, acting as Agents, assisted by M. Moretto, lawyer, and in Case T-55/10, initially by R. Sauer and B. Gencarelli, and subsequently by R. Sauer and R. Striani, assisted by M. Moretto)

Re:

In Case T-472/09, application for a declaration of the non-existence or for annulment of Commission Decision C(2009) 7492 final of 30 September 2009 relating to a proceeding under Article 65 CS (Case COMP/37.956 — Reinforcing bars, readoption), in the alternative, application for annulment of Article 2 of that decision, and in the further alternative, application for a reduction in the amount of the fine imposed on the applicant, and in Case T-55/10, application for annulment of Commission Decision C(2009) 9912 final of 8 December 2009, amending Decision C(2009) 7492 final.

Operative part of the judgment

The Court:

1. *Orders that Cases T-472/09 and T-55/10 be joined for the purposes of the judgment;*

2. *In Case T-472/09, SP v Commission:*

   — *Annuls Article 2 of Commission Decision C(2009) 7492 final of 30 September 2009, relating to a proceeding under Article 65 CS (Case COMP/37.956 — Reinforcing bars, readoption) in so far as it imposes a fine of EUR 14,35 million jointly and severally on SP SpA;*

   — *Dismisses the action as to the remainder;*

   — *Orders SP to bear half of its own costs;*

   — *Orders the Commission to bear its own costs and to pay half of the costs incurred by SP;*

3. *In Case T-55/10, SP v Commission:*

   — *Dismisses the action;*

   — *Orders SP to pay the costs.*

([1]) OJ C 24, 30.1.2010.

Judgment of the General Court of 9 December 2014 — Leali and Acciaierie e Ferrieere Leali Luigi v Commission

(Cases T-489/09, T-490/09 and T-56/10) ([1])

(Competition — Agreements, decisions and concerted practices — Market for concrete reinforcing bars in bars or coils — Decision finding an infringement of Article 65 CS after the expiry of the ECSC Treaty on the basis of Regulation (EC) No 1/2003 — Fixing of prices and payment terms — Limiting or controlling output or sales — Infringement of essential procedural requirements — Legal basis — Misuse of powers and abuse of procedure — Fines — Duration of the infringement — Proportionality — Limitation period — Action for annulment — Amending decision — Inadmissibility)

(2015/C 034/22)

Language of the case: Italian

Parties

Applicants: Leali SpA (Odolo, Italy) (Cases T-489/09 and T-56/10); and Acciaierie e Ferriere Leali Luigi SpA (Brescia, Italy) (Cases T-490/09 and T-56/10) (represented by: G. Belotti, lawyer)

Defendant: European Commission (represented, in Cases T-489/09 and T-490/09, initially by R. Sauer and V. Di Bucci, subsequently by R. Sauer and B. Gencarelli, and finally by R. Sauer and R. Striani, and, in Case T-56/10, initially by R. Sauer and B. Gencarelli, and subsequently by R. Sauer and R. Striani, acting as Agents, assisted by M. Moretto, lawyer)

Re:

In Cases T-489/09 and T-490/09, applications for annulment of Commission Decision C(2009) 7492 final of 30 September 2009 relating to a proceeding under Article 65 CS (Case COMP/37.956 — Reinforcing bars, readoption), and in the alternative, applications for a reduction in the amount of the fine imposed on the applicants, and in Case T-56/10, application for annulment of Commission Decision C(2009) 9912 final of 8 December 2009, amending Decision C(2009) 7492 final.

Operative part of the judgment

The Court:

1. *Orders that Cases T-489/09, T-490/09 et T-56/10 be joined for the purposes of the present judgment;*

2. *Dismisses the actions;*

3. *In Case T-489/09, orders Leali SpA to pay the costs;*

4. *In Case T-490/09, orders Acciaierie e Ferriere Leali Luigi SpA to pay the costs;*

5. *In Case T-56/10, orders Leali and Acciaierie e Ferriere Leali Luigi to pay the costs.*

([1]) OJ C 37, 13.2.2010.

Judgment of the General Court of 9 December 2014 — IRO v Commission

(Case T-69/10) ([1])

(Competition — Agreements, decisions and concerted practices — Market for concrete reinforcing bars in bars or coils — Decision finding an infringement of Article 65 CS after the expiry of the ECSC Treaty on the basis of Regulation (EC) No 1/2003 — Fixing of prices and payment terms — Limiting or controlling output or sales — Infringement of essential procedural requirements — Legal basis — Investigation of the case — Definition of the market — Infringement of Article 65 CS — Fines — Extenuating circumstances — Proportionality)

(2015/C 034/23)

Language of the case: Italian

Parties

Applicant: Industrie Riunite Odolesi SpA (IRO) (Odolo, Italy) (represented by: A. Giardina and P. Tomassi, lawyers)

Defendant: European Commission (represented initially by R. Sauer and B. Gencarelli, subsequently by R. Sauer, R. Striani and T. Vecchi, acting as Agents, assisted by P. Manzini, lawyer)

Re:

Application for annulment of Commission Decision C(2009) 7492 final of 30 September 2009 relating to a proceeding under Article 65 CS (Case COMP/37.956 — Reinforcing bars, readoption), as amended and supplemented by Commission Decision C(2009) 9912 final of 8 December 2009, in which the Commission imposed a fine of EUR 3,58 million on the applicant for infringement of Article 65(1) CS.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Industrie Riunite Odolesi SpA (IRO) to pay the costs.*

(1) OJ C 100, 17.4.2010.

Judgment of the General Court of 9 December 2014 — Feralpi v Commission

(Case T-70/10) (1)

(Competition — Agreements, decisions and concerted practices — Market for concrete reinforcing bars in bars or coils — Decision finding an infringement of Article 65 CS after the expiry of the ECSC Treaty on the basis of Regulation (EC) No 1/2003 — Fixing of prices and payment terms — Limiting or controlling output or sales — Infringement of essential procedural requirements — Lack of competence — Legal basis — Infringement of the rights of the defence — Principle of sound administration, proportionality and equality of arms — Criteria for attributing liability — Definition of the market — Infringement of Article 65 CS — Fines — Limitation period — Gravity — Duration)

(2015/C 034/24)

Language of the case: Italian

Parties

Applicant: Feralpi Holding SpA (Brescia, Italy) (represented by: G. Roberti and I. Perego, lawyers)

Defendant: European Commission (represented initially by R. Sauer and B. Gencarelli, subsequently by R. Sauer, R. Striani and T. Vecchi, and finally by R. Sauer and T. Vecchi, acting as Agents, assisted by P. Manzini, lawyer)

Re:

Application for annulment of Commission Decision C(2009) 7492 final of 30 September 2009 relating to a proceeding under Article 65 CS (Case COMP/37.956 — Reinforcing bars, readoption), as amended by Commission Decision C(2009) 9912 final of 8 December 2009, in which the Commission imposed a fine of EUR 10,25 million on the applicant for infringement of Article 65(1) CS.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Feralpi Holding SpA to pay the costs.*

(1) OJ C 100, 17.4.2010.

Judgment of the General Court of 9 December 2014 — Riva Fire v Commission

(Case T-83/10) (1)

(Competition — Agreements, decisions and concerted practices — Market for concrete reinforcing bars in bars or coils — Decision finding an infringement of Article 65 CS after the expiry of the ECSC Treaty on the basis of Regulation (EC) No 1/2003 — Fixing of prices and payment terms — Limiting or controlling output or sales — Infringement of essential procedural requirements — Competence of the Commission — Legal basis — Consultation of the Advisory Committee on Restrictive Practices and Monopolies — Rights of the defence — Definition of the geographical market — Application of the principle of lex mitior — Infringement of Article 65 CS — Fines — Gravity and duration of the infringement — Extenuating circumstances — Proportionality — Application of the 1996 Leniency Notice)

(2015/C 034/25)

Language of the case: Italian

Parties

Applicant: Riva Fire SpA (Milan, Italy) (represented by: M. Merola, M. Pappalardo and T. Ubaldi, lawyers)

Defendant: European Commission (represented initially by R. Sauer and B. Gencarelli, and subsequently by R. Sauer and R. Striani, acting as Agents, assisted by M. Moretto, lawyer)

Re:

Primarily, application for annulment of Commission Decision C(2009) 7492 final of 30 September 2009 relating to a proceeding under Article 65 CS (Case COMP/37.956 — Reinforcing bars, readoption), as amended by Commission Decision C(2009) 9912 final of 8 December 2009, and in the alternative application for a reduction in the amount of the fine imposed on the applicant.

Operative part of the judgment

The Court:

1. *Fixes the amount of the fine imposed on Riva Fire SpA at EUR 26 093 000;*

2. *Dismisses the action as to the remainder;*

3. *Orders Riva Fire to bear its own costs and to pay three-quarters of the costs incurred by the European Commission; orders the Commission to bear one-quarter of its own costs.*

(1) OJ C 100, 17.4.2010.

Judgment of the General Court of 9 December 2014 — Alfa Acciai v Commission

(Case T-85/10) ([1])

(Competition — Agreements, decisions and concerted practices — Market for concrete reinforcing bars in bars or coils — Decision finding an infringement of Article 65 CS after the expiry of the ECSC Treaty on the basis of Regulation (EC) No 1/2003 — Fixing of prices and payment terms — Limiting or controlling output or sales — Misuse of powers — Rights of the defence — Single and continuous infringement — Fines — Fixing of the starting amount — Extenuating circumstances — Duration of the administrative procedure)

(2015/C 034/26)

Language of the case: Italian

Parties

Applicant: Alfa Acciai SpA (Brescia, Italy) (represented by: D. Fosselard, S. Amoruso and L. Vitolo, lawyers)

Defendant: European Commission (represented by: R. Sauer and B. Gencarelli, and subsequently by R. Sauer and R. Striani, acting as Agents, assisted by P. Manzini, lawyer)

Re:

Primarily, application for annulment of Commission Decision C(2009) 7492 final of 30 September 2009 relating to a proceeding under Article 65 CS (Case COMP/37.956 — Reinforcing bars, readoption), as amended by Commission Decision C(2009) 9912 final of 8 December 2009, in so far as it finds that the applicant infringed Article 65 CS and imposes upon it a fine of EUR 7,175 million, or in the alternative application for a reduction in the amount of that fine.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Alfa Acciai SpA to pay the costs.*

([1]) OJ C 100, 17.4.2010.

Judgment of the General Court of 9 December 2014 — Ferriere Nord v Commission

(Case T-90/10) ([1])

(Competition — Agreements, decisions and concerted practices — Market for concrete reinforcing bars in bars or coils — Decision finding an infringement of Article 65 CS after the expiry of the ECSC Treaty on the basis of Regulation (EC) No 1/2003 — Fixing of prices and payment terms — Limiting or controlling output or sales — Infringement of essential procedural requirements — Competence of the Commission — Rights of the defence — Finding of an infringement — Fines — Repeated infringements — Extenuating circumstances — Cooperation — Full jurisdiction)

(2015/C 034/27)

Language of the case: Italian

Parties

Applicant: Ferriere Nord SpA (Osoppo, Italy) (represented by: W. Viscardini and G. Donà, lawyers)

Defendant: European Commission (represented initially by R. Sauer and B. Gencarelli, and subsequently by M. Sauer and R. Striani, acting as Agents, assisted by M. Moretto, lawyer)

Re:

Primarily, application for annulment of Commission Decision C(2009) 7492 final of 30 September 2009 relating to a proceeding under Article 65 [CS] (Case COMP/37.956 — Reinforcing bars, readoption), as amended by Commission Decision C(2009) 9912 final of 8 December 2009, and in the alternative application for partial annulment of that decision and application for a reduction in the amount of the fine imposed on the applicant

Operative part of the judgment

The Court:

1. *Fixes the amount of the fine imposed on Ferriere Nord SpA at EUR 3 421 440;*

2. *Dismisses the action as to the remainder;*

3. *Orders Ferriere Nord to bear its own costs and to pay three-quarters of the costs incurred by the European Commission; orders the Commission to bear one-quarter of its own costs.*

([1]) OJ C 113, 1.5.2010.

Judgment of the General Court of 9 December 2014 — Lucchini v Commission

(Case T-91/10) ([1])

(Competition — Agreements, decisions and concerted practices — Market for concrete reinforcing bars in bars or coils — Decision finding an infringement of Article 65 CS after the expiry of the ECSC Treaty on the basis of Regulation (EC) No 1/2003 — Fixing of prices and payment terms — Limiting or controlling output or sales — Infringement of essential procedural requirements — Legal basis — Rights of the defence — Fines — Gravity and duration of the infringement — Extenuating circumstances — Taking account of an annulment judgment in a related case)

(2015/C 034/28)

Language of the case: Italian

Parties

Applicant: Lucchini SpA (Milan, Italy) (represented initially by M. Delfino, J.-P. Gunther, E. Bigi, C. Breuvart and L. De Sanctis, and subsequently by J.-P Gunther, E. Bigi, C. Breuvart and D. Galli, lawyers)

Defendant: European Commission (represented initially by R. Sauer and B. Gencarelli, acting as Agents, assisted by M. Moretto, lawyer, and subsequently by M. Sauer and R. Striani, acting as Agents, assisted by M. Moretto)

Re:

Application for a declaration of the non-existence or for annulment of Commission Decision C(2009) 7492 final of 30 September 2009 (Case COMP/37.956 — Reinforcing bars, readoption), as amended by Commission Decision C(2009) 9912 final of 8 December 2009, in the alternative application for annulment of Article 2 of that decision, and in the further alternative application for a reduction in the amount of the fine imposed on the applicant.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Lucchini SpA to pay the costs.*

([1]) OJ C 113, 1.5.2010.

Judgment of the General Court of 9 December 2014 — Ferriera Valsabbia and Valsabbia Investimenti v Commission

(Case T-92/10) ([1])

(Competition — Agreements, decisions and concerted practices — Market for concrete reinforcing bars in bars or coils — Decision finding an infringement of Article 65 CS after the expiry of the ECSC Treaty on the basis of Regulation (EC) No 1/2003 — Fixing of prices and payment terms — Limiting or controlling output or sales — Misuse of powers — Rights of the defence — Single and continuous infringement — Fines — Fixing of the starting amount — Extenuating circumstances — Duration of the administrative procedure)

(2015/C 034/29)

Language of the case: Italian

Parties

Applicants: Ferriera Valsabbia SpA (Odolo, Italy); and Valsabbia Investimenti SpA (Odolo) (represented by: D. Fosselard, S. Amoruso and L. Vitolo, lawyers)

Defendant: European Commission (represented initially by R. Sauer and B. Gencarelli, and subsequently by R. Sauer and R. Striani, acting as Agents, assisted by P. Manzini, lawyer)

Re:

Primarily, application for annulment of Commission Decision C(2009) 7492 final of 30 September 2009 relating to a proceeding under Article 65 CS (Case COMP/37.956 — Reinforcing bars, readoption), as amended by Commission Decision C(2009) 9912 final of 8 December 2009, in so far as it finds that the applicants infringed Article 65 CS and imposes upon them, jointly and severally, a fine of EUR 10,25 million, or in the alternative application for a reduction in the amount of that fine

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Ferriera Valsabbia SpA and Valsabbia Investimenti SpA to pay the costs.*

([1]) OJ C 113, 1.5.2010.

Judgment of the General Court of 10 December 2014 — ONP and Others v Commission

(Case T-90/11) ([1])

(Competition — Agreements, decisions and concerted practices — French market for clinical laboratory tests — Decision finding an infringement of Article 101 TFEU — Association of undertakings — Professional body — Subject of the inspection and the enquiry — Conditions for the application of Article 101 TFEU — Infringement by object — Minimum price and barriers to the development of groups of laboratories — Single and continuous infringement — Proof — Errors of assessment of fact and errors of law — Amount of the fine — Section 37 of the 2006 Guidelines on the method of setting fines — Unlimited jurisdiction)

(2015/C 034/30)

Language of the case: French

Parties

Applicants: Ordre national des pharmaciens (ONP) (Paris, France); Conseil national de l'Ordre des pharmaciens (CNOP) (Paris); and Conseil central de la section G de l'Ordre national des pharmaciens (CCG) (Paris) (represented by: O. Saumon, L. Defalque, T. Bontinck and A. Guillerme, lawyers)

Defendant: European Commission (represented by: F. Castilla Contreras, C. Giolito, B. Mongin and N. von Lingen, acting as Agents)

Intervener in support of the defendant: Labco (Paris, France) (represented by: N. Korogiannakis, M. Coppet and B. Dederichs, lawyers)

Re:

Application for annulment of Commission Decision C(2010) 8952 final of 8 December 2010 relating to a proceeding under Article 101 of the [TFEU] (Case 39510 — Labco v ONP), and, in the alternative, for a reduction in the amount of the fine

Operative part of the judgment

The Court:

1. *Sets the amount of the fine imposed jointly and severally on the Ordre national des pharmaciens (ONP), the Conseil national de l'Ordre des pharmaciens (CNOP) and the Conseil central de la section G de l'Ordre national des pharmaciens (CCG) in Article 3 of Commission Decision C(2010) 8952 final of 8 December 2010 relating to a proceeding under Article 101 of the [TFEU] (Case 39510 — Labco v ONP) at EUR 4,75 million;*

2. *Dismisses the application for the remainder;*

3. *Orders the European Commission to bear its own costs and one-tenth of those incurred by the ONP, the CNOP and the CCG;*

4. *Orders the ONP, the CNOP and the CCG to bear nine-tenths of their own costs;*

5. *Orders Labco to bear its own costs.*

([1]) OJ C 173, 11.6.2011.

Judgment of the General Court of 9 December 2014 — BelTechExport v Council

(Case T-438/11) ([1])

(Common foreign and security policy — Restrictive measures adopted against Belarus — Freezing of funds — Obligation to state reasons — Rights of the defence — Right to be heard)

(2015/C 034/31)

Language of the case: English

Parties

Applicant: BelTechExport ZAO (Minsk, Belarus) (represented by: V. Vaitkutė Pavan, A. Smaliukas, E. Matulionyte, T. Milašauskas, lawyers, and M. Shenk, Solicitor)

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

Intervener in support of the defendant: European Commission (represented by: T. Scharf and E. Paasivirta, acting as Agents)

Re:

Application for annulment of Council Decision 2011/357/CFSP of 20 June 2011 amending Decision 2010/639/CFSP concerning restrictive measures against certain officials of Belarus (OJ 2011 L 161, p. 25), Council Regulation (EU) No 588/2011 of 20 June 2011 amending Regulation (EC) No 765/2006 concerning restrictive measures against President Lukashenko and certain officials of Belarus (OJ 2011 L 161, p. 1), Council Decision 2011/666/CFSP of 10 October 2011 amending Decision 2010/639/CFSP concerning restrictive measures against Belarus (OJ 2011 L 265, p. 17), Council Implementing Regulation (EU) No 1000/2011 of 10 October 2011 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus (OJ 2011 L 265, p. 8), Council Decision 2012/642/CFSP of 15 October 2012 concerning restrictive measures against Belarus (OJ 2012 L 285, p. 1), Council Implementing Regulation (EU) No 1017/2012 of 6 November 2012 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus (OJ 2012 L 307, p. 7), Council Decision 2013/534/CFSP of 29 October 2013 amending Decision 2012/642 (OJ 2013 L 288, p. 69), 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 (OJ 2013 L 288, p. 1), in so far as those acts concern the applicant.

Operative part of the judgment

The Court:

1) *Annuls Council Decision 2011/357/CFSP of 20 June 2011, amending Decision 2010/639/CFSP concerning restrictive measures against certain officials of Belarus, Council Regulation (EU) No 588/2011 of 20 June 2011 amending Regulation (EC) No 765/2006 concerning restrictive measures against President Lukashenko and certain officials of Belarus, Council Decision 2011/666/CFSP of 10 October 2011 amending Decision 2010/639/CFSP concerning restrictive measures against Belarus, Council Implementing Regulation (EU) No 1000/2011 of 10 October 2011 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus, Council Decision 2012/642/CFSP of 15 October 2012 concerning restrictive measures against Belarus, and Council Implementing Regulation (EU) No 1017/2012 of 6 November 2012 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus, in so far as those acts concern BelTechExport ZAO;*

2) *Dismisses the action as being inadmissible in so far as it concerns Council Decision 2013/534/CFSP of 29 October 2013 amending Decision 2012/642 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;*

3) *Orders the Council of the European Union to bear its own costs and to pay those incurred by BelTechExport;*

4) *Orders the European Commission to bear its own costs.*

([1]) OJ C 290, 1.10.2011.

Judgment of the General Court of 9 December 2014 — Sport-pari v Council

(Case T-439/11) ([1])

(Common foreign and security policy — Restrictive measures adopted against Belarus — Freezing of funds — Obligation to state reasons — Rights of the defence — Right to be heard — Error of assessment)

(2015/C 034/32)

Language of the case: English

Parties

Applicant: Sport-pari ZAO (Minsk, Belarus) (represented by: V. Vaitkutė Pavan, A. Smaliukas, E. Matulionyte and T. Milašauskas, lawyers)

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

Intervener in support of the defendant: European Commission (represented by: T. Scharf and E. Paasivirta, acting as Agents)

Re:

Application for annulment of Council Decision 2011/357/CFSP of 20 June 2011, amending Decision 2010/639/CFSP concerning restrictive measures against certain officials of Belarus (OJ 2011 L 161, p. 25), Council Regulation (EU) No 588/2011 of 20 June 2011 amending Regulation (EC) No 765/2006 concerning restrictive measures against President Lukashenko and certain officials of Belarus (OJ 2011 L 161, p. 1), Council Decision 2011/666/CFSP of 10 October 2011 amending Decision 2010/639/CFSP concerning restrictive measures against Belarus (OJ 2011 L 265, p. 17), Council Implementing Regulation (EU) No 1000/2011 of 10 October 2011 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus (OJ 2011 L 265, p. 8), Council Decision 2012/642/CFSP of 15 October 2012 concerning restrictive measures against Belarus (OJ 2012 L 285, p. 1), and Council Implementing Regulation (EU) No 1017/2012 of 6 November 2012 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus (OJ 2012 L 307, p. 7), in so far as those acts concern the applicant.

Operative part of the judgment

The Court:

1) *Annuls Council Decision 2011/357/CFSP of 20 June 2011, amending Decision 2010/639/CFSP concerning restrictive measures against certain officials of Belarus, Council Regulation (EU) No 588/2011 of 20 June 2011 amending Regulation (EC) No 765/2006 concerning restrictive measures against President Lukashenko and certain officials of Belarus, Council Decision 2011/666/CFSP of 10 October 2011 amending Decision 2010/639/CFSP concerning restrictive measures against Belarus, Council Implementing Regulation (EU) No 1000/2011 of 10 October 2011 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus, Council Decision 2012/642/CFSP of 15 October 2012 concerning restrictive measures against Belarus and Council Implementing Regulation (EU) No 1017/2012 of 6 November 2012 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus, in so far as those acts concern Sport-pari ZAO;*

2) *Orders the Council of the European Union to bear its own costs and to pay those incurred by Sport-pari;*

3) *Orders the European Commission to bear its own costs.*

([1]) OJ C 290, 1.10.2011.

Judgment of the General Court of 9 December 2014 — BT Telecommunications v Council

(Case T-440/11) ([1])

(Common foreign and security policy — Restrictive measures adopted against Belarus — Freezing of funds — Obligation to state reasons — Rights of the defence — Right to be heard — Error of assessment)

(2015/C 034/33)

Language of the case: English

Parties

Applicant: BT Telecommunications PUE (Minsk, Belarus) (represented by: V. Vaitkutė Pavan, A. Smaliukas, E. Matulionyte and T. Milašauskas, lawyers)

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

Intervener in support of the defendant: European Commission (represented by: T. Scharf and E. Paasivirta, acting as Agents)

Re:

Application for annulment of Council Decision 2011/357/CFSP of 20 June 2011 amending Decision 2010/639/CFSP concerning restrictive measures against certain officials of Belarus (OJ 2011 L 161, p. 25), Council Regulation (EU) No 588/2011 of 20 June 2011 amending Regulation (EC) No 765/2006 concerning restrictive measures against President Lukashenko and certain officials of Belarus (OJ 2011 L 161, p. 1), Council Decision 2011/666/CFSP of 10 October 2011 amending Decision 2010/639/CFSP concerning restrictive measures against Belarus (OJ 2011 L 265, p. 17), Council Implementing Regulation (EU) No 1000/2011 of 10 October 2011 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus (OJ 2011 L 265, p. 8), Council Decision 2012/642/CFSP of 15 October 2012 concerning restrictive measures against Belarus (OJ 2012 L 285, p. 1), Council Implementing Regulation (EU) No 1017/2012 of 6 November 2012 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus (OJ 2012 L 307, p. 7), Council Decision 2013/534/CFSP of 29 October 2013 amending Decision 2012/642 (OJ 2013 L 288, p. 69), 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 (OJ 2013 L 288, p. 1), in so far as those acts concern the applicant.

Operative part of the judgment

The Court:

1) *Annuls Council Decision 2011/357/CFSP of 20 June 2011, amending Decision 2010/639/CFSP concerning restrictive measures against certain officials of Belarus, Council Regulation (EU) No 588/2011 of 20 June 2011 amending Regulation (EC) No 765/2006 concerning restrictive measures against President Lukashenko and certain officials of Belarus, Council Decision 2011/666/CFSP of 10 October 2011 amending Decision 2010/639/CFSP concerning restrictive measures against Belarus, Council Implementing Regulation (EU) No 1000/2011 of 10 October 2011 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus, Council Decision 2012/642/CFSP of 15 October 2012 concerning restrictive measures against Belarus, and Council Implementing Regulation (EU) No 1017/2012 of 6 November 2012 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus, in so far as those acts concern BT Telecommunications PUE;*

2) *Dismisses the action as being inadmissible in so far as it concerns Council Decision 2013/534/CFSP of 29 October 2013 amending Decision 2012/642 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;*

3) *Orders the Council of the European Union to bear its own costs and to pay those incurred by BT Telecommunications;*

4) *Orders the European Commission to bear its own costs.*

(1) OJ C 290, 1.10.2011.

Judgment of the General Court of 9 December 2014 — Peftiev v Council

(Case T-441/11) ([1])

(Common foreign and security policy — Restrictive measures adopted against Belarus — Freezing of funds — Obligation to state reasons — Rights of the defence — Right to be heard — Error of assessment)

(2015/C 034/34)

Language of the case: English

Parties

Applicant: Vladimir Peftiev (Minsk, Belarus) (represented by: V. Vaitkutė Pavan, A. Smaliukas, E. Matulionyte, T. Milašauskas, lawyers, and M. Shenk, Solicitor)

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

Intervener in support of the defendant: European Commission (represented by: T. Scharf and E. Paasivirta, acting as Agents)

Re:

Application for annulment of Council Decision 2011/357/CFSP of 20 June 2011 amending Decision 2010/639/CFSP concerning restrictive measures against certain officials of Belarus (OJ 2011 L 161, p. 25), Council Regulation (EU) No 588/2011 of 20 June 2011 amending Regulation (EC) No 765/2006 concerning restrictive measures against President Lukashenko and certain officials of Belarus (OJ 2011 L 161, p. 1), Council Decision 2011/666/CFSP of 10 October 2011 amending Decision 2010/639/CFSP concerning restrictive measures against Belarus (OJ 2011 L 265, p. 17), Council Implementing Regulation (EU) No 1000/2011 of 10 October 2011 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus (OJ 2011 L 265, p. 8), Council Decision 2012/642/CFSP of 15 October 2012 concerning restrictive measures against Belarus (OJ 2012 L 285, p. 1), Council Implementing Regulation (EU) No 1017/2012 of 6 November 2012 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus (OJ 2012 L 307, p. 7), Council Decision 2013/534/CFSP of 29 October 2013 amending Decision 2012/642 (OJ 2013 L 288, p. 69), 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 (OJ 2013 L 288, p. 1), in so far as those acts concern the applicant.

Operative part of the judgment

The Court:

1) *Annuls Council Decision 2011/357/CFSP of 20 June 2011, amending Decision 2010/639/CFSP concerning restrictive measures against certain officials of Belarus, Council Regulation (EU) No 588/2011 of 20 June 2011 amending Regulation (EC) No 765/2006 concerning restrictive measures against President Lukashenko and certain officials of Belarus, Council Decision 2011/666/CFSP of 10 October 2011 amending Decision 2010/639/CFSP concerning restrictive measures against Belarus, Council Implementing Regulation (EU) No 1000/2011 of 10 October 2011 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus, Council Decision 2012/642/CFSP of 15 October 2012 concerning restrictive measures against Belarus, and Council Implementing Regulation (EU) No 1017/2012 of 6 November 2012 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus, in so far as those acts concern Mr Vladimir Peftiev;*

2) *Dismisses the action as being inadmissible in so far as it concerns Council Decision 2013/534/CFSP of 29 October 2013 amending Decision 2012/642 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;*

3) *Orders the Council of the European Union to bear its own costs and to pay those incurred by Mr Peftiev;*

4) *Orders the European Commission to bear its own costs.*

(1) OJ C 290, 1.10.2011.

Judgment of the General Court of 10 December 2014 — Novartis v OHIM — Dr Organic (BIOCERT)

(Case T-605/11) (1)

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

(2015/C 034/35)

Language of the case: English

Parties

Applicant: Novartis AG (Basel, Switzerland) (represented by: M. Douglas, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM: Dr Organic Ltd (Swansea, United Kingdom)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 28 September 2011 (Case R 1030/2010-4), concerning opposition proceedings between Novartis AG and Dr Organic Ltd.

Operative part of the judgment

The Court:

1) *Annuls the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 28 September 2011 (Case R 1030/2010-4).*

2) *Orders OHIM to pay the costs.*

(1) OJ C 32, 4.2.2012.

Judgment of the General Court of 9 December 2014 — Inter-Union Technohandel v OHIM — Gumersport Mediterranea de Distribuciones (PROFLEX)

(Case T-278/12) (1)

(Community trade mark — Opposition proceedings — Application for the Community figurative mark PROFLEX — Earlier national word mark PROFEX — Genuine use of the earlier mark — Article 42(2) and (3) of Regulation (EC) No 207/2009)

(2015/C 034/36)

Language of the case: English

Parties

Applicant: Inter-Union Technohandel GmbH (Landau in der Pfalz, Germany) (represented by: K. Schmidt-Hern and A. Feutlinske, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: P. Bullock, Agent)

Other party to the proceedings before the Board of Appeal of OHIM: Gumersport Mediterranea de Distribuciones, SL (Barcelona, Spain)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 27 March 2012 (Case R 413/2011-2), concerning opposition proceedings between Inter-Union Technohandel GmbH and Gumersport Mediterranea de Distribuciones, SL.

Operative part of the judgment

The Court:

1) *Annuls the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 27 March 2012 (Case R 413/2011-2).*

2) *Orders OHIM to pay the costs.*

([1]) OJ C 273, 8.9.2012.

Judgment of the General Court of 11 December 2014 — Saint-Gobain Glass Deutschland v Commission

(Case T-476/12) ([1])

(Access to documents — Regulation (EC) No 1049/2001 — Regulation (EC) No 1367/2006 — Documents relating to installations of the applicant situated in Germany and concerned by the scheme for greenhouse gas emission allowance trading — Partial refusal of access — Environmental information — Second sentence of Article 6(1) of Regulation No 1367/2006 — Exception relating to protection of the decision-making process — Documents originating from a Member State — Objection by the Member State — Article 4(3) and (5) of Regulation No 1049/2001)

(2015/C 034/37)

Language of the case: German

Parties

Applicant: Saint-Gobain Glass Deutschland GmbH (Aix-la-Chapelle, Germany) (represented by: S. Altenschmidt and C. Dittrich, lawyers)

Defendant: European Commission (represented initially by P. Costa de Oliveira and H. Krämer, subsequently by H. Krämer and M. Konstantinidis, acting as Agents)

Re:

Action for annulment, first, of the Commission's implied decision of 4 September 2012 and, in the alternative, of the Commission's implied decision of 25 September 2012 and, secondly, of the Commission's decision of 17 January 2013, refusing to grant full access to the list sent by the Federal Republic of Germany to the Commission, in the framework of the procedure set out in Article 15(1) of Commission Decision 2011/278/EU of 27 April 2011 determining transitional Union-wide rules for harmonised free allocation of emission allowances pursuant to Article 10a of Directive 2003/87/EC of the European Parliament and of the Council (OJ 2011 L 130, p. 1), to the extent that that document contains information relating to certain installations of the applicant, situated in German territory, relating to provisional allocations and activities and capacity levels in relation to carbon dioxide (CO_2) emissions between 2005 and 2010, the efficiency of the installations and the annual emission quotas provisionally allocated for the period between 2013 and 2020.

Operative part of the judgment

1. *The action is dismissed.*

2. *Saint-Gobain Glass Deutschland GmbH shall bear the costs.*

([1]) OJ C 9, 12.1.2013.

Judgment of the General Court of 11 December 2014 — Sherwin-Williams Sweden v OHIM — Akzo Nobel Coatings International (ARTI)

(Case T-12/13) ([1])

(Community trade mark — Opposition proceedings — Application for Community trade mark ARTI — Earlier Benelux word mark ARTITUDE and international registration of the earlier Benelux trade mark ARTITUDE — Refusal to register — Likelihood of confusion — Similarity of the signs — Identical or highly similar goods — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2015/C 034/38)

Language of the case: English

Parties

Applicant: Sherwin-Williams Sweden AB (Märsta, Sweden) (represented by: L.-E. Ström, 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: Akzo Nobel Coatings International BV (Arnhem, Netherlands)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 18 October 2012 (Case R 2085/2011-1), concerning opposition proceedings between Akzo Nobel Coatings International B V and Sherwin-Williams Sweden Group AB.

Operative part of the judgment

The Court:

1) *Dismisses the action.*

2) *Orders Sherwin-Williams Sweden AB to bear the costs.*

([1]) OJ C 86, 23.3.2013.

Judgment of the General Court of 9 December 2014 — Netherlands Maritime Technology Association v Commission

(Case T-140/13) ([1])

(State aid — Spanish scheme of early depreciation of certain assets acquired through financial leasing — Decision finding no State aid — Formal investigation procedure not initiated — Serious difficulties — Circumstances and length of the preliminary examination — Insufficient and incomplete examination)

(2015/C 034/39)

Language of the case: English

Parties

Applicant: Netherlands Maritime Technology Association, formerly Scheepsbouw Nederland (Rotterdam, Netherlands) (represented by: K. Struckmann, lawyer, and G. Forwood, Barrister)

Defendant: European Commission (represented by: M. Afonso, L. Flynn and P. Němečková, acting as Agents)

Intervener in support of the defendant: Kingdom of Spain (represented by N. Díaz Abad and A. Sampol Pucurull, abogados del Estado)

Re:

Application for annulment of the Commission Decision of 20 November 2012 relating to State aid SA 34736 (12/N) concerning the implementation by the Kingdom of Spain of a tax scheme permitting the early depreciation of certain assets acquired through financial leasing.

Operative part of the judgment

The Court:

1) *Dismisses the action as being unfounded;*

2) *Orders Netherlands Maritime Technology Association to bear its own costs and to pay those incurred by the European Commission;*

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

(1) OJ C 147, 25.5.2013.

Judgment of the General Court of 9 December 2014 — DTL Corporación v OHIM — Vallejo Rosell (Generia)

(Case T-176/13) (1)

(Community trade mark — Opposition proceedings — Application for Community word mark Generia — Earlier Community figurative mark Generalia generación renovable — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 — Article 63(2) and Article 75 of Regulation No 207/2009)

(2015/C 034/40)

Language of the case: Spanish

Parties

Applicant: DTL Corporación (Madrid, Spain) (represented by: A. Zuazo Araluze, 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: Mar Vallejo Rosell (Pinto, Spain)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 24 January 2013 (Case R 661/2012-4), relating to opposition proceedings between Ms Mar Vallejo Rosell and DTL Corporación, SL.

Operative part of the judgment

1. *The action is dismissed.*

2. *DTL Corporación, SL is ordered to pay the costs.*

(1) OJ C 156, 1.6.2013.

Judgment of the General Court of 11 December 2014 — PP Nature-Balance Lizenz v Commission

(Case T-189/13) ([1])

(Medicinal products for human use — Active substance tolperisone — Article 116 of Directive 2001/83/EC — Commission decision ordering the Member States to vary the national marketing authorisations for medicinal products for human use containing the active substance at issue — Burden of proof — Proportionality)

(2015/C 034/41)

Language of the case: German

Parties

Applicant: PP Nature-Balance Lizenz GmbH (Hamburg, Germany) (represented by: M. Ambrosius, lawyer)

Defendant: European Commission (represented by: initially B. R. Killmann and M. Šimerdová, then B. R. Killmann and A. Sipos, acting as Agents)

Re:

Application for partial annulment of Commission Implementing Decision C(2013) 369 (final) of 21 January 2013 concerning, in the framework of Article 31 of Directive 2001/83/EC of the European Parliament and of the Council, the marketing authorisations for the medicinal products for human use which contain the active substance 'tolperisone'

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders PP Nature-Balance Lizenz GmbH to bear its own costs and those incurred by the European Commission.*

([1]) OJ C 164, 8.6.2103.

Judgment of the General Court of 9 December 2014 — Capella v OHIM — Oribay Mirror Buttons (ORIBAY)

(Case T-307/13) ([1])

(Community trade mark — Revocation proceedings — Community figurative mark ORIBAY ORIginal Buttons for Automotive Yndustry — Admissibility of the application for revocation)

(2015/C 034/42)

Language of the case: Spanish

Parties

Applicant: Capella EOOD (Sofia, Bulgaria) (represented: initially by M. Holtorf, subsequently by A. Theis, and lastly by F. Henkel, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervening before the General Court: Oribay Mirror Buttons, SL (San Sebastián, Spain) (represented by: A. Velázquez Ibañez, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 22 March 2013 (Case R 164/2012-4), relating to revocation proceedings between Capella EOOD and Oribay Mirror Buttons, SL.

Operative part of the judgment

The Court:

1) *Annuls the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 22 March 2013 (Case R 164/2012-4);*

2) *Declares that OHIM is to bear its own costs and orders it to pay the costs incurred by Capella EOOD;*

3) *Declares that Oribay Mirror Buttons, SL is to bear its own costs.*

(1) OJ C 207, 20.7.2013.

Judgment of the General Court of 11 December 2014 — Nanu-Nana Joachim Hoepp v OHIM — Vincci Hoteles (NAMMU)

(Case T-498/13) (1)

(Community trade mark — Invalidity proceedings — Community word mark NAMMU — Relative ground for refusal — Proof of genuine use of the earlier mark — Article 57(2) and (3) of Regulation (EC) No 207/2009 and Rule 22(2) to (4) of Regulation (EC) No 2868/95)

(2015/C 034/43)

Language of the case: English

Parties

Applicant: Nanu-Nana Joachim Hoepp GmbH & Co. KG (Bremen, Germany) (represented by: A. Nordemann, T. Boddien, and M. Maier, lawyers)

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: Vincci Hoteles SA (Alcobendas, Spain)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 27 June 2013 (Case R 611/2012-1) concerning invalidity proceedings between Nanu-Nana Joachim Hoepp GmbH & Co. KG and Vincci Hoteles SA.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Nanu-Nana Joachim Hoepp GmbH & Co. KG to pay the costs.*

(1) OJ C 344, 23.11.2013.

Judgment of the General Court of 9 December 2014 — Leder & Schuh International v OHIM — Epple (VALDASAAR)

(Case T-519/13) ([1])

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

(2015/C 034/44)

Language of the case: German

Parties

Applicant: Leder & Schuh International AG (Salzburg, Austria) (represented by: S. Korn, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM: Valeria Epple (Bronnen, Germany)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 9 July 2013 (Case R 719/2012-1), relating to opposition proceedings between Valerie Epple and Leder & Schuh International AG.

Operative part of the judgment

1. *The action is dismissed.*

2. *Leder & Schuh International AG is ordered to pay the costs.*

([1]) OJ C 344, 23.11.2013.

Judgment of the General Court of 11 December 2014 — Oracle America v OHIM — Aava Mobile (AAVA CORE)

(Case T-618/13) ([1])

(Community trade mark — Opposition proceedings — Application for Community word mark AAVA CORE — Earlier Community word mark JAVA and well-known mark within the meaning of Article 6a of the Paris Convention JAVA — Relative ground for refusal — No likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 — No likelihood of association — Link between the signs — No similarity of the signs — Article 8(5) of Regulation No 207/2009)

(2015/C 034/45)

Language of the case: English

Parties

Applicant: Oracle America, Inc. (Wilmington, Delaware, United States) (represented by: T. Heydn, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: P. Bullock and N. Bambara, acting as Agents)

Other party to the proceedings before the Board of Appeal of OHIM: Aava Mobile Oy (Oulu, Finland)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 11 September 2013 (Case R 1369/2012-2), relating to opposition proceedings between Oracle America, Inc. and Aava Mobile Oy.

Operative part of the judgment

The Court:

1) *Dismisses the action.*

2) *Orders Oracle America, Inc. to pay the costs.*

([1]) OJ C 344, 23.11.2013.

Action brought on 12 November 2014 — Comber v Commission

(Case T-752/14)

(2015/C 034/46)

Language of the case: German

Parties

Applicant: Comber SA (Lausanne, Switzerland) (represented by: D. Heel, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul the Commission Decision of 16 July 2014 (REM 05/2013) on the refusal of the application for remission of import duties amounting to EUR 461 415,12;

— order the defendant to pay the costs of these proceedings.

Pleas in law and main arguments

In support of the action, the applicant submits that the post-clearance customs duties for the import of linen fabric from Latvia in the years 1999 to 2002 must be remitted in accordance with Article 239 of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ 1992 L 302, p. 1) due to the presence of special circumstances. The applicant cites as special circumstances serious breaches of obligations by the Latvian customs authorities, serious breaches of obligations by the European Commission/OLAF and serious misconduct of the German customs authorities. In the applicant's view, those circumstances cannot be attributed to obvious negligence on its part.

Action brought on 10 November 2014 — Efler and Others v Commission

(Case T-754/14)

(2015/C 034/47)

Language of the case: German

Parties

Applicants: Michael Efler (Berlin, Germany), Pedro De Birto E. Abreu Krupenski (Lisbon, Portugal), Susan Vance George (Paris, France), Otto Jaako Kronqvist (Helsinki, Finland), Blanche Léonie Denise Weber (Luxembourg, Luxembourg), John Jephson Hilary (London, United Kingdom), Ileana-Lavinia Andrei (Bucharest, Romania) (represented by: Professor B. Kempen)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

— annul the Commission Decision of 10 September 2014 on the refusal to register the European Citizens' Initiative 'STOP TTIP' — C (2014)6501;

— order the Commission to pay the costs of the proceedings and the costs of any intervening party.

Pleas in law and main arguments

In support of the action, the applicants rely on two pleas in law.

1. First plea in law: By assuming that the proposed citizens' initiative does not fall within its competence, the Commission infringed Article 11(4) TEU as well as Article 2(1) and Article 4(2)(b) of Regulation (EU) No 211/2011 ([1]).

   — The applicants submit in that regard that the Commission's reasoning — that the intended recommendation to the Commission to withdraw the negotiating mandate for the 'Transatlantic Trade and Investment Partnership' (TTIP) is not directed at a 'legal act' within the meaning of Article 11(4) TFEU — is defective. For both the grant of the negotiating mandate and its withdrawal are decisions of the Council within the meaning of the fourth paragraph of Article 288 TFEU, which at the same time are 'legal acts' within the meaning of Article 11(4) TFEU.

   — The applicants further submit that the Commission's additional reasoning — that the citizens' initiative against the 'Comprehensive Economic and Trade Agreement' (CETA) and TTIP cannot require the Commission to refrain from recommending the Council to accept the respective negotiated international agreements, and also cannot require the Commission to recommend a decision on the non-acceptance of the respective negotiated agreements — is also defective. For it is in no way apparent from Article 11(4) TEU, Article 2(1) and Article 4(2)(b) of Regulation No 211/2011 that citizens' initiatives directed at the abolition of existing legal acts or citizens' initiatives directed at the non-adoption of proposed legal acts are to be inadmissible.

   — The applicants further submit that the non-registration of the 'STOP-TTIP' citizens' initiative is also unlawful because, in any event, the proposed citizens' initiative does not 'manifestly' fall outside the Commission's competence in accordance with Article 4(2)(b) of Regulation No 211/2011.

2. Second plea in law: Infringement of the general principles of good administrative practice as provided for in Article 41 of the Charter of Fundamental Rights of the European Union and of equal treatment as provided for in Article 20 of the Charter

   — The applicant takes the view that, by refusing, in the applicant's case, to register the citizens' initiative directed against TTIP and CETA, although it previously registered a citizens' initiative directed at the termination of the agreement with Switzerland on freedom of movement ('Swiss-Out-Initiative'), the Commission did not observe those principles.

([1]) Regulation (EU) No 211/2011 of the European Parliament and of the Council of 16 February 2011 on the citizens' initiative (OJ 2011 L 65, p. 1).

Action brought on 14 November 2014 — Legakis and Others v Council

(Case T-765/14)

(2015/C 034/48)

Language of the case: Greek

Parties

Applicants: Georgios Legakis, Mirto Panagiota Legakis, Maria Legakis and Melina Legakis (Palaio Faliro, Greece) (represented by: V. Christianos, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicants claim that the General Court should:

— order the defendant to pay to the applicants the sum of EUR 1 991 194,40, as compensation for the damage caused to them by the defendant's unlawful actions, with interest from the date when they were unlawfully deprived of their deposits (29/03/2013) until the date of delivery of the judgment in this case together with late payment interest from the date of delivery of the judgment on the issue in this case until full payment;

— in the alternative, order the defendant to pay to the applicants 95 % of the above sum, that is the sum of EUR 1 891 634,68, as compensation for the damage caused to them by the defendant's unlawful actions, with interest from the date when they were unlawfully deprived of their deposits (29/03/2013) until the date of delivery of the judgment in this case together with late payment interest from the date of delivery of the judgment on the issue in this case until full payment;

— in the further alternative, itself determine the amount which the defendant should be ordered to pay to the applicants as compensation for the damage caused to them by the defendant's unlawful actions;

— order the defendant to pay to the applicants the sum of EUR 20 000 for each of the applicants (that is, a total sum of EUR 80 000), as compensation for the non-material damage caused to them by the infringement of the principle of equal treatment;·

— order the defendant to pay to the applicants the sum of EUR 20 000 for each of the applicants (that is, a total sum of EUR 80 000), as compensation for the non-material damage caused to them by the infringement of the right to effective judicial protection, and

— order the defendant to pay the applicants' costs.

Pleas in law and main arguments

By the present action the applicants seek, under the second paragraph of Article 340 TFEU, from the General Court of the European Union, which has jurisdiction under Article 268 TFEU, restitution for the damage suffered as a result of the defendant's unlawful conduct.

The applicants submit that that damage occurred when the defendant, acting outside the limits of its competence and in breach of secondary EU law and of the general principles of EU law, imposed and therefore caused the impairment of the applicants' bank deposits with the Cyprus Popular Bank Public Co Ltd. ('Laiki Bank') or, in any case, contributed to it.

In particular, the applicants submit that the defendant acted in breach of the following fundamental rights and general principles of EU law:

— first, infringement of the right to private property;·

— second, infringement of the principle of equal treatment, and

— third, infringement of the applicants' right to judicial protection and of the principle of legal certainty.

The applicants submit that the conditions, stated in settled case-law, governing whether the defendant incurs non-contractual liability to make good the damage caused to them are satisfied.

Action brought on 29 November 2014 — El Corte Inglés v OHIM — STD Tekstil (MOTORTOWN)

(Case T-785/14)

(2015/C 034/49)

Language in which the application was lodged: Spanish

Parties

Applicant: El Corte Inglés, SA (Madrid, Spain) (represented by: J.L. Rivas Zurdo and M. Toro Gordillo, lawyers)

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

Other party to the proceedings before the Board of Appeal: STD Tekstil Limited Sirketi (Istanbul, Turkey)

Details of the proceedings before OHIM

Applicant: Applicant

Trade mark at issue: Community figurative mark containing the word element 'MOTORTOWN' — Application for registration No 10 351 931

Procedure before OHIM: Opposition proceedings

Contested decision: Decision of the Second Board of Appeal of OHIM of 8 September 2014 in Case R 1960/2013-2

Form of order sought

The applicant claims that the Court should:

— annul the contested decision, in which the Board of Appeal dismissed the applicant's appeal and affirmed the decision of the Opposition Division partially upholding Opposition No B 1 951 774 and rejecting in part Community figurative mark application No 10 351 931 'MOTORTOWN'; and

— order the party or parties opposing the action to pay the costs.

Plea in law

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

Action brought on 4 December 2014 — Hassan v Council

(Case T-790/14)

(2015/C 034/50)

Language of the case: French

Parties

Applicant: Samir Hassan (Damascus, Syria) (represented by: L. Pettiti, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

— annul, on the basis of Article 263 of the Treaty on the Functioning of the European Union (TFEU):

  — Council Implementing Decision 2014/678/CFSP of 26 September 2014 implementing Decision 2013/255/CFSP concerning restrictive measures against Syria, insofar as it adds Mr Samir Hassan to the list included in the annex to Council Decision 2013/255/CFSP of 31 May 2013 concerning restrictive measures against Syria;

  — Council Implementing Regulation (EU) No 1013/2014 of 26 September 2014 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria, insofar as it adds Mr Samir Hasan to the list included in Annex II to Council Regulation (EU) No 36/2012 of 18 January 2012 concerning restrictive measures in view of the situation in Syria;

— declare that the effects of the effects of the acts annulled will be definitive;

— Compensate Mr Hassan, on the basis of Articles 268 and 340 TFEU, for the loss caused to him by the adoption against him of the restrictive measures referred to above, as follows:

  — hold that the Council of the European Union is non-contractually liable for the pecuniary harm suffered and which will be suffered in the future and for the non-pecuniary harm;

  — award Mr Hassan the sum of EUR 250000 per month, with effect from 1 September 2011, in order to compensate him for the pecuniary loss suffered;

  — award Mr Hassan the symbolic sum of EUR 1 in respect of the non-pecuniary loss suffered,

  — and order the Council of the European Union to pay compensation for future non-pecuniary loss;

— In any event, order the Council of the European Union to pay all the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging a manifest error by the Council in its assessment of the facts and an error in law resulting therefrom, since the Council included the applicant's name on the list of persons and entities to which restrictive measures apply on the basis of grounds which are not substantiated to the requisite legal standard.

2. Second plea in law, alleging infringement of the right to property and the principle of proportionality.

3. Third plea in law, alleging infringement of the presumption of the applicant's innocence.

4. Fourth plea in law concerning the compensation for the damage that the applicant suffered as a result of the unlawful measures taken against him by the Council.

Action brought on 4 December 2014 — Bensarsa v European Commission and EDPS

(Case T-791/14)

(2015/C 034/51)

Language of the case: French

Parties

Applicant: Faouzi Bensarsa (Abu Dhabi, United Arab Emirates) (represented by: S.A. Pappas, lawyer)

Defendants: European Commission and European Data Protection Supervisor (EDPS)

Form of order sought

— Annul the decision of 25 February 2014 adopted by the Security Directorate;

— Annul the decision of 24 October 2014 impliedly adopted by the EDPS;

— Order the defendants to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging a failure to state reasons for the Commission's decision of 25 February 2014.

2. Second plea in law, alleging a failure to state reasons for the decision of the EDPS, since it was implied and its reasons could not be deduced either from its context or the decision of 25 February 2014.

3. Third plea in law, alleging infringement of Regulation (EC) No 45/2001 ([1]).

The applicant argues that the lack of response from the EDPS constitutes a breach of the duty to inform the data subject, provided for in Articles 46(a) and 20(4) of Regulation (EC) No 45/2001.

([1]) Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ 2001 L 8, p. 1).

Action brought on 9 December 2014 — Gervais Danone v OHIM — San Miguel (B'lue)

(Case T-803/14)

(2015/C 034/52)

Language in which the application was lodged: English

Parties

Applicant: Compagnie Gervais Danone (Paris, France) (represented by: A. Lakits, lawyer)

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

Other party to the proceedings before the Board of Appeal: San Miguel, Fábricas de Cerveza y Malta, SA (Barcelona, Spain)

Details of the proceedings before OHIM

Proprietor of the trade mark at issue: Applicant

Trade mark at issue: Community figurative mark containing the word element 'B'lue' — Community trade mark registration No 10 549 509

Procedure before OHIM: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of OHIM of 30 September 2014 in Case R 1382/2013-5

Form of order sought

The applicant claims that the Court should:

— Annul the contested decision;

— Order OHIM to bear the costs of the present proceedings and the other party to bear the costs of the proceedings before the OHIM.

Plea in law

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

Action brought on 9 December 2014 — Stagecoach Group v OHIM (MEGABUS.COM)

(Case T-805/14)

(2015/C 034/53)

Language of the case: English

Parties

Applicant: Stagecoach Group plc (Perth, United Kingdom) (represented by: G. Jacobs, lawyer)

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

Details of the proceedings before OHIM

Trade mark at issue: Community word mark 'MEGABUS.COM' — Application for registration No 11 131 216

Contested decision: Decision of the Fourth Board of Appeal of OHIM of 7 October 2014 in Case R 1894/2013-4

Form of order sought

The applicant claims that the Court should:

— Annul the contested decision;

— Order Community trade mark No 11 131 216 'MEGABUS.COM' be registered for all goods and services, or partially registered for some goods and services;

— Order Community trade mark No 11 131 216 'MEGABUS.COM', in the alternative, be registered at least partially in respect of 'provision of passenger transport services' for which evidence of acquired distinctiveness has been shown;

— Order OHIM to pay the costs.

Plea in law

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

Action brought on 12 December 2014 — Spain v Commission

(Case T-808/14)

(2015/C 034/54)

Language of the case: Spanish

Parties

Applicant: the Kingdom of Spain (represented by: A. Rubio González, Abogado del Estado)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul the contested decision, and

— order the Commission to pay the costs.

Pleas in law and main arguments

This action is brought against the Decision of the European Commission of 1 October 2014 on State aid SA 27408 (C 24/2010) NN 37/2010 EX, EX CP 19/2009) granted by the authorities of Castilla La Mancha for the deployment of digital terrestrial television in remote and less developed areas of Castilla La Mancha.

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

1. By its first plea in law, the applicant alleges infringement of Article 107(1) TFEU as a result of the lack of an economic advantage for undertakings engaged in an economic activity, lack of selectivity of the measure and lack of distortion of competition.

2. By its second plea in law, the applicant alleges infringement of Articles 106(2) and 107(3)(c) TFEU as a result of the lack of evidence to show that the principle of technological neutrality has been infringed.

3. By its third plea in law, the applicant alleges breach of the State aid procedure as a result of the irregularities which occurred during the preparatory investigation.

4. By its fourth plea in law, raised in the alternative, the applicant alleges infringement of the principles of legal certainty, equality, proportionality and subsidiarity in conjunction with Article 14 of Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty.

EUROPEAN UNION CIVIL SERVICE TRIBUNAL

Judgment of the Civil Service Tribunal (First Chamber) of 11 December 2014 — CZ v ESMA

(Case F-80/13) ([1])

(Civil service — Recruitment — Temporary agents — Extension of the probation period — Dismissal at the end of the probation period)

(2015/C 034/55)

Language of the case: French

Parties

Applicant: CZ (represented by: O. Kress and S. Bassis, lawyers)

Defendant: European Securities and Markets Authority (ESMA) (represented by: R. Vasileva, acting as Agent, assisted by D. Waelbroeck and A. Duron, lawyers)

Re:

Firstly, annulment of the decision to extend the applicant's probation period and of the subsequent decision to dismiss him and, secondly, application for compensation for the harm allegedly suffered.

Operative part of the judgment

The Tribunal:

1. *Dismisses the action;*

2. *Orders the European Securities and Markets Authority to bear its own costs and to pay those incurred by CZ.*

([1]) OJ C 325, 9.11.2013, p. 51.

Judgment of the Civil Service Tribunal (Third Chamber) of 11 December 2014 — DE v EMA

(Case F-103/13) ([1])

(Civil service — Member of the temporary staff of EMA — Evaluation report — Application for annulment — Obligation to state reasons — Manifest error of assessment — Infringement of procedural rules — None)

(2015/C 034/56)

Language of the case: English

Parties

Applicant: DE (represented by: S. Rodrigues and A. Blot, lawyers)

Defendant: European Medicines Agency (EMA) (represented by: S. Marino, T. Jabłoński and N. Rampal Olmedo, acting as Agents, and by D. Waelbroeck and A. Duron, lawyers)

Re:

Application for annulment of the applicant's performance evaluation report in respect of the period from 15 September 2010 to 15 September 2012.

Operative part of the judgment

The Tribunal:

1) *Dismisses the action;*

2) *Declares that DE is to bear his own costs and orders him to pay those incurred by the European Medicines Agency.*

([1]) OJ C 367, 14.12.2013, p. 41.

Judgment of the Civil Service Tribunal (2nd Chamber) of 11 December 2014 — Colart and Others v Parliament

(Case F-31/14) ([1])

(Civil Service — Staff representation — Staff committee — Staff Committee elections — Rules on staff representation at the European Parliament — Competence of the Committee of Tellers — Complaints procedure before the Committee of Tellers — Publication of the election results — Complaint brought before the Committee of Tellers — Article 90(2) of the Staff Regulations — No prior complaint before the appointing authority — Matter referred directly to the Tribunal — Inadmissibilty)

(2015/C 034/57)

Language of the case: French

Parties

Applicants: Philippe Colart (Bastogne, Belgium) and Others (represented by: A. Salerno, lawyer)

Defendant: European Parliament (represented by: O. Caisou-Rousseau and S. Alves, Agents)

Re:

Application to annul the elections for the Staff Committee of the European Parliament which were held in autumn 2013 and the results of which were published on 28 November 2013.

Operative part of the judgment

The Tribunal:

1. *Dismisses the action as inadmissible;*

2. *Declares that Mr Colart and the other applicants whose names are set out in the annex are to bear half of their own costs;*

3. *Declares that the European Parliament is to bear its own costs and orders it to pay half of the costs incurred by the applicants.*

([1]) OJ C 184, 16.6.2014, p. 45.

Order of the Civil Service Tribunal (First Chamber) of 12 December 2014 — Luigi Macchia v Commission

(Case F-63/11 RENV) ([1])

(Civil service — Members of the temporary staff — Referral back to the Tribunal after setting aside — Non-renewal of a contract for a fixed period — Discretionary power of the administration — Manifest error of assessment — Action manifestly inadmissible and manifestly unfounded)

(2015/C 034/58)

Language of the case: French

Parties

Applicant: Luigi Macchia (Woluwé-Saint-Lambert, Belgium) (represented by: S. Rodrigues, A. Blot and C. Bernard-Glanz, lawyers)

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

Re:

Annulment of the implied decision not to renew the applicant's temporary staff contract under Article 2(a) of the Conditions of Employment of Other Servants.

Operative part of the order

1) *The action is dismissed as in part manifestly inadmissible and in part manifestly unfounded.*

2) *Mr Macchia is to bear his own costs incurred in Cases F-63/11, T-368/12 P and F-63/11 RENV respectively and is ordered to pay the costs incurred by the European Commission in Cases F-63/11 and F-63/11 RENV.*

3) *The European Commission is to bear its own costs incurred in Case T-368/12 P.*

([1]) OJ C 226, 30.7.2011, p. 32.

Order of the Civil Service Tribunal (Second Chamber) of 11 December 2014 — Iliopoulou v Europol

(Case F-21/14) ([1])

(Civil service — Europol staff — Europol Convention — Europol Staff Regulations — Decision 2009/371/JHA — Application of the Conditions of Employment to Europol staff — Non-renewal of a temporary fixed-term contract — Refusal to grant a temporary contract for an indefinite term)

(2015/C 034/59)

Language of the case: French

Parties

Applicant: Hariklia Iliopoulou (Wassenaar, Netherlands) (represented by: J.-J. Ghosez, lawyer)

Defendant: European Police Office (represented by: J. Arnould and D. Neumann, Agents)

Re:

Application to annul the decision to not renew, for an indefinite duration, the applicant's fixed-term contract and to order Europol to pay her the difference between the amount of remuneration to which she would have been entitled had she continued to carry out her duties and the unemployment benefits or any other allowance in lieu which she has received.

Operative part of the order

1. *The application is dismissed.*

2. *The European Police Office shall bear its own costs and is ordered to cover half of the costs incurred by Ms Iliopoulou.*

3. *Ms Iliopoulou shall bear half of her own costs.*

(1) OJ C 184 of 16/6/2014, p. 42.

Order of the Civil Service Tribunal (Third Chamber) of 10 December 2014 — Turkington v European Commission

(Case F-127/14)

(Civil service — Civil servants — Pensions — Transfer of pension rights acquired under a national pension scheme — Proposal concerning the crediting of pensionable years not challenged within the prescribed time period — No new material facts — Manifest inadmissibility)

(2015/C 034/60)

Language of the case: French

Parties

Applicant: Stephen Turkington (Trier, Germany) (represented by: A. Salerno, lawyer)

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

Re:

The application for annulment of the Commission's decision refusing to recalculate the crediting of pension rights acquired by the applicant under the Union pension scheme pursuant to the general implementing provisions relating to Articles 11 and 12 of Annex VIII to the Staff Regulations.

Operative part of the order

The Tribunal:

1. *Dismisses the action as manifestly inadmissible.*

2. *Order Mr Turkington to bear his own costs.*

Action brought on 30 October 2014 — ZZ v Commission and EEAS

(Case F-126/14)

(2015/C 034/61)

Language of the case: French

Parties

Applicant: ZZ (represented by: M. Tallent, lawyer)

Defendants: European Commission and European External Action Service (EEAS)

Subject-matter and description of the proceedings

Application for annulment of the decision taken by the European External Action Service authority empowered to conclude contracts, confirming a reimbursement ceiling as regards the applicant's removal costs from Montenegro to his country of origin.

Form of order sought

The applicant claims that the Tribunal should:

— annul the decision adopted by the authority empowered to conclude contracts of employment dated 23 July 2014 notified on 1 August 2014;

— declare that ZZ is to be reimbursed the actual costs incurred by him in respect of his removal of EUR 17 940;

— in the alternative, declare that ZZ is to be reimbursed his removal costs up to an amount of EUR 7 960;

— declare that all the costs of the proceedings are to be borne by the European External Action Service.

Action brought on 3 November 2014 — ZZ v Commission

(Case F-128/14)

(2015/C 034/62)

Language of the case: French

Parties

Applicant: ZZ (represented by: L. Vogel, lawyer)

Defendant: European Commission

Subject-matter and description of the proceedings

Annulment of the appointing authority's decision to impose on the applicant the disciplinary penalty of deferment of advancement to a higher step for a 12-month period.

Form of order sought

The applicant claims that the Tribunal should:

— annul the decision adopted by the appointing authority, in the person of three Directors General of the Commission, dated 23 December 2013, by which the penalty of deferment of advancement to a higher step was imposed on the applicant for a 12-month period, taking effect on 31 December 2013, under Article 9(1)(c) of Annex IX to the Staff Regulations;

— in so far as necessary, also annul the decision adopted by the appointing authority on 22 July 2014, by which the applicant's complaint, dated 21 March 2014, challenging the aforementioned disciplinary sentence of 23 December 2013, was rejected;

— order the defendant to pay the costs of the present proceedings, under Article 101 of the Rules of Procedure, and in particular the expenses necessarily incurred for the purpose of the proceedings, such as travel and subsistence expenses and the lawyers' expenses and fees, under Article 105(c) of those Rules.

Action brought on 4 November 2014 — ZZ v European Parliament

(Case F-130/14)

(2015/C 034/63)

Language of the case: English

Parties

Applicant: ZZ (represented by: D. Bergin, solicitor)

Defendant: European Parliament

Subject-matter and description of the proceedings

Annulment of the decision to deduct from the applicant's pension the amount of maintenance the applicant is obliged to pay to his former wife, that being a decision which, according to the applicant, infringes a judgment of a national court in divorce proceedings.

Form of order sought

— Annul the decision concerning modification of rights No 13;

— Grant damages and legal costs in the sum of EUR 275 000 resulting from the legal costs and expenses incurred and losses suffered by the applicant since the services' initial refusal to apply the court orders in a correct legal and equitable fashion.

Action brought on 17 November 2014 — ZZ v European Parliament

(Case F-132/14)

(2015/C 034/64)

Language of the case: French

Parties

Applicant: ZZ (represented by: L. Levi, lawyer)

Defendant: European Parliament

Subject-matter and description of the proceedings

Annulment of the decisions taken by the European Parliament to implement the judgment of the Civil Service Tribunal of 12 December 2013 in Case F-129/12 *CH* v *Parliament*, refusing to open an administrative inquiry on the applicant's complaint alleging harassment, to pay the applicant additional financial compensation and to grant the applicant all the benefits and ancillary benefits linked to the existence of his contract as an accredited parliamentary assistant, the termination of which was annulled by the Tribunal in its aforementioned judgment, and an application for damages in respect of the material and non-material loss allegedly incurred.

Form of order sought

The applicant claims that the Tribunal should:

— annul the decision of the European Parliament of 3 March 2014, in so far as it refused to open an administrative inquiry relating to the applicant's complaint alleging harassment, and the Parliament's decision of 2 April 2014, in so far as it refused to pay the applicant the sum of EUR 5 686, those decisions showing the measures taken by the institution intended, according to that institution, to implement the judgment of the Civil Service Tribunal of 12 December 2013, in Case F-129/12, *CH* v *European Parliament*;

— annul the decision of the European Parliament dated 4 August 2014, received on 7 August 2014, rejecting the applicant's complaint of 16 April 2014, in so for as it refused to pay the applicant the sum of EUR 5 686, to compensate him for the loss incurred as a result of the delay in obtaining an ACA badge, a professional email address and access to the European Parliament's intranet, to open an administrative inquiry on his complaint of harassment and to compensate the applicant for the non-material harm incurred as a result of that latter refusal;

— order the defendant to pay damages, fixed at EUR 144 000, to compensate the applicant for the material loss incurred;

— order the defendant to pay damages, fixed on equitable principles at EUR 60 000, to compensate the applicant for the non-material loss incurred;

— order the defendant to pay interest, fixed at the European Central Bank rate, increased by 2 points, on the aforementioned sums of EUR 5 686 and EUR 144 000;

— order the defendant to pay all the costs.

Action brought on 18 November 2014 — ZZ v Commission

(Case F-134/14)

(2015/C 034/65)

Language of the case: French

Parties

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

Defendant: Commission

Subject-matter and description of the proceedings

The annulment of the Commission's decision to exclude the existence of harm arising from the delay taken by the Commission to establish the occupational origin of the applicant's sickness and to pay her only the amount of EUR 2 000 as compensation for the uncertainty as regards recognition of the occupational origin of her illness and the claim for damages for the non-material harm allegedly suffered.

Form of order sought

— Annul the decision of the European Commission of 8 August 2014, received by registered post on 1 October 2014 by the applicant, rejecting her complaint of 24 April 2014;

— As far as necessary, annul the decision of the European Commission of 3 February 2014, which only partially granted the applicant's request for compensation of 16 October 2013;

— Order compensation for the non-material harm assessed ex aequo et bono at EUR 20 000;

— Order the Commission to pay the entire costs.

Action brought on 1 December 2014 — ZZ v Commission

(Case F-136/14)

(2015/C 034/66)

Language of the case: French

Parties

Applicant: ZZ (represented by: D. de Abreu Caldas, lawyer)

Defendant: Commission

Subject-matter and description of the proceedings

Annulment of the decision taken by the Commission granting the applicant, retroactively, the expatriation allowance, in so far as the grant is retroactive only to 1 September 2013, the applicant arguing that the Commission ought to grant him that allowance from the date of his recruitment to the Commission on 1 July 1999.

Form of order sought

— Annul the decision of the PMO of 29 January 2014 to grant the applicant the expatriation allowance, provided for in Article 4 of Annex VII to the Staff Regulations, with retroactive effect from 1 September 2013, instead of from his date of recruitment of 1 July 1999;

— Order the European Commission to pay the costs.

Action brought on 8 December 2014 — ZZ v Commission

(Case F-137/14)

(2015/C 034/67)

Language of the case: German

Parties

Applicant: ZZ (represented by: H. Tettenborn, lawyer)

Defendant: Commission

Subject-matter and description of the proceedings

Annulment of the decision of the European External Action Service of 29 January 2014 to terminate the applicant's employment under a contract of indefinite duration and a claim for damages for the moral prejudice and non-pecuniary harm suffered by him.

Form of order sought

— Annul the decision notified to the applicant by letter of the EEAS of 29 January 2014, by which the applicant's employment was terminated on seven months' notice at midnight on 31 August 2014;

— Order the EEAS to pay the applicant compensation of an appropriate amount, as assessed by the Tribunal, in respect of the moral prejudice and non-pecuniary harm suffered by him as a result of the decision of the EEAS referred to above;

— Order the EEAS to compensate the applicant in full for the material harm suffered by him, in particular by payment of all outstanding remuneration and all other expenses caused to the applicant by the unlawful conduct of the EEAS (net of unemployment benefit received or income from work);

In the alternative, in the event that, for legal or factual reasons, the applicant is not reinstated in the service and/or further employed under the previous conditions, order the EEAS to pay the applicant compensation for material harm suffered by him as a result of the unlawful termination of his employment in the amount of the difference between his actual expected income and the income which the applicant would have received had the contract continued to run, having regard to pension benefits and other entitlements; and

— Order the EEAS to pay the costs of the proceedings.

Action brought on 9 December 2014 — ZZ v Commission

(Case F-138/14)

(2015/C 034/68)

Language of the case: French

Parties

Applicant: ZZ (represented by: S. Orlandi, lawyer)

Defendant: Commission

Subject-matter and description of the proceedings

Annulment of the decision on the transfer of the applicant's pension rights in the EU pension scheme, a decision which applies the new general implementing provisions to Articles 11 and 12 of Annex VIII to the Staff Regulations.

Form of order sought

— Declare the illegality of Article 9 of the general implementing provisions of Article 11(2) of Annex VIII to the Staff Regulations;

— Annul the decision of 17 February 2014 to calculate the annuities recognised in the pension scheme of the institutions of the European Union on the transfer of her pension rights in that scheme, under the general implementing provisions of Article 11(2) of Annex VIII to the Staff Regulations of 3 March 2011;

— Order the Commission to pay the costs.

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