

Judgment of the Court of First Instance of 26 November 2008 — Greece v Commission

(Case T-263/06) ⁽¹⁾

(EAGGF — Guarantee Section — Expenditure excluded from Community financing — Measures ancillary to rural development — Time-limit of 24 months — Assessment of the expenditure to be excluded — Key controls — Principle of ne bis in idem — Extrapolation of the findings of default — Principle of proportionality)

(2009/C 19/47)

Language of the case: Greek

Parties

Applicant: Hellenic Republic (represented by: I. Chalkias and G. Kanellopoulos, Agents)

Defendant: Commission of the European Communities (represented by: F. Jimeno Fernández and H. Tserepa-Lacombe, acting as Agents, and N. Korogiannakis, lawyer)

Re:

Annulment of Commission Decision 2006/554/EC of 27 July 2006 excluding from Community financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) (OJ 2006 L 218, p. 12), in so far as it excludes certain expenditure incurred by the Hellenic Republic in the sector of measures ancillary to rural development

Operative part of the judgment

The Court:

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

⁽¹⁾ OJ C 281, 18.11.2006.

Judgment of the Court of First Instance of 26 November 2008 — United Kingdom v Commission

(Case T-278/06) ⁽¹⁾

(EAGGF — Guarantee Section — Expenditure excluded from Community financing — Butter — Check of the quantity of product obtained — On-the-spot checks — Article 23(2) of Regulation (EC) No 2571/97)

(2009/C 19/48)

Language of the case: English

Parties

Applicant: United Kingdom of Great Britain and Northern Ireland (represented initially by: E. O'Neill and subsequently by I. Rao, Agents, and by H. Mercer, Barrister)

Defendant: Commission of the European Communities (represented by: P. Oliver, acting as Agent)

Re:

Action for annulment in part of Commission Decision 2006/554/EC of 27 July 2006 excluding from Community financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) (OJ 2006 L 218, p. 12), in so far as it excludes certain expenses incurred by the United Kingdom of Great Britain and Northern Ireland in the sector of concentrated butter in the food industry.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the United Kingdom of Great Britain and Northern Ireland to pay the costs.

⁽¹⁾ OJ C 294, 2.12.2006.

Judgment of the Court of First Instance of 2 December 2008 — Ford Motor v OHIM (FUN)

(Case T-67/07) ⁽¹⁾

(Community trade mark — Application for Community word mark FUN — Absolute grounds for refusal — Lack of descriptive character — Article 7(1)(b) and (c) of Regulation (EC) No 40/94)

(2009/C 19/49)

Language of the case: German

Parties

Applicant: Ford Motor Co. (Dearborn, Michigan, United States) (represented by: R. Ingerl, lawyer)

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

Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of 20 December 2006 (Case R 1135/2006-2), concerning an application for registration of the Community word mark FUN.