

Operative part of the order

1. *There is no need to adjudicate on the action.*
2. *The parties shall bear their own costs.*

(¹) OJ C 312, 19.12.2009.

Appeal brought on 10 December 2010 by Patrizia De Luca against the judgment of the Civil Service Tribunal delivered on 30 September 2010 in Case F-20/06, De Luca v Commission

(Case T-563/10 P)

(2011/C 63/52)

Language of the case: French

Parties

Appellant: Patrizia De Luca (Brussels, Belgium) (represented by: S. Orlandi and J.-N. Louis, lawyers)

Other parties to the proceedings: European Commission and Council of the European Union

Forms of order sought by the appellant

The appellant claims that the Court should:

- set aside the judgment of the Civil Service Tribunal delivered on 30 September 2010 (Case F-20/06 De Luca v Commission) dismissing the appellant's application;
- giving judgment itself,
 - annul the decision of 23 February 2005 of the Commission of the European Communities appointing the applicant to a post as an administrator, in so far as it sets her classification at grade A*9 step 2;
 - order the Commission of the European Communities to pay the costs.

Pleas in law and main arguments

In support of the appeal, the appellant puts forward two pleas in law.

1. First plea in law alleging an error of law in that it was ruled that Article 12(3) of Annex XIII to the Staff Regulations of officials of the European Union applied whereas that provision applies only to 'recruitment' of officials and the applicant was already an official at the time of her appointment.
 - The appellant claims that by ruling that that provision was applicable, the CST misunderstood the material scope of Article 12(3) of Annex XIII to the Regulations, infringing the rule of interpretation according to which transitional legislative provisions must be interpreted strictly.

2. Second plea in law alleging an error of law in that the objection of illegality of Article 12(3) of Annex XIII to the Staff Regulations was rejected.
 - the appellant claims that the application of that provision results in an infringement of the fundamental principle of equal treatment of officials and the principle of entitlement to reasonable career prospects, inasmuch as the appellant was downgraded after passing a higher level competition whereas successful candidates in the internal competition of grade B*10 were treated more favourably in that their classification was set at grade A*10.
 - The appellant further claims that the CST erred in law in finding that an objection of illegality in respect of Articles 5(2) and 12(3) of Annex XIII to the Staff Regulations had not been raised implicitly on the basis of the plea in law alleging infringement of the principles of equal treatment, proportionality and the obligation to state reasons.

Action brought on 17 December 2010 — Environmental Manufacturing v OHIM — Wolf (Representation of the head of a wolf)

(Case T-570/10)

(2011/C 63/53)

Language in which the application was lodged: English

Parties

Applicant: Environmental Manufacturing LLP (Stowmarket, United Kingdom) (represented by: S. Malynicz, barrister, and M. Atkins, solicitor)

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

Other party to the proceedings before the Board of Appeal: Société Elmar Wolf, SAS (Wissembourg, France)

Form of order sought

- Annul the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 6 October 2010 in case R 425/2010-2; and
- Order the defendant and the other party to the proceedings before the Board of Appeal to pay the costs of the proceedings.

Pleas in law and main arguments

Applicant for a Community trade mark: The applicant