

Interveners in support of the defendant: Kingdom of Spain (represented by B. Plaza Cruz, acting as Agent); French Republic (represented by G. de Bergues and B. Cabouat, acting as Agents); Italian Republic (represented initially by I. Bruni, acting as Agent, and subsequently par M. P. Gentili, avvocato dello Stato); and Republic of Poland (represented initially by M. Dowgielewicz, and subsequently by M. Szpunar, and finally by Szpunar, B. Majczyna and M. Drwiecki, acting as Agents)

Re:

ACTION for partial annulment of Commission Regulation (EC) No 983/2008 of 3 October 2008 adopting the plan allocating to the Member States resources to be charged to the 2009 budget year for the supply of food from intervention stocks for the benefit of the most deprived persons in the Community (O) 2008 L 268, p. 3).

Operative part of the judgment

The Court:

1. Annuls Article 2 of and Annex II to Commission Regulation (EC) No 983/2008 of 3 October 2008 adopting the plan allocating to the Member States resources to be charged to the 2009 budget year for the supply of food from intervention stocks for the benefit of the most deprived persons in the Community;
2. Orders that the validity of allocations already made is not affected by the annulment of Article 2 of and Annex II to Regulation No 983/2008;
3. Orders the European Commission to bear its own costs and to pay those incurred by the Federal Republic of Germany;
4. Orders the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Poland and the Kingdom of Sweden to bear their own costs.

⁽¹⁾ OJ C 55, 7.3.2009.

Judgment of the General Court of 14 April 2011 — Netherlands v Commission

(Case T-70/09) ⁽¹⁾

(ERDF — Single programming document for the Groningen-Drenthe region — Decision on the reduction of the aid and ordering partial reimbursement of the amounts paid — Obligation to state reasons — Article 23(1) and Article 24(1) and (2) of Regulation (EEC) No 4253/88)

(2011/C 160/22)

Language of the case: Dutch

Parties

Applicant: Kingdom of the Netherlands (represented by: C. Wissels and M. Noort, acting as Agents)

Defendant: European Commission (represented by: W. Roels and A. Steiblyte, acting as Agents)

Re:

Action for annulment in part of Commission Decision C(2008) 8355 of 11 December 2008 on the reduction of the aid from the European Regional Development Fund (ERDF) within the framework of the single programming document no 97.07.13.003 coming under objective 2 for the Groningen-Drenthe region, granted in accordance with Commission Decision 97/711/EC of 26 May 1997.

Operative part of the judgment

The Court:

1. Dismisses the application;
2. Orders the Kingdom of the Netherlands to pay the costs.

⁽¹⁾ OJ C 90, 18.04.2009.

Judgment of the General Court of 13 April 2011 — Tubesca v OHIM — Tubos del Mediterráneo (T TUMESA TUBOS DEL MEDITERRANEO S.A.)

(Case T-98/09) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community figurative mark T TUMESA TUBOS DEL MEDITERRANEO S.A. — Earlier national word mark and international figurative mark TUBESCA — Relative ground of refusal — No likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009))

(2011/C 160/23)

Language of the case: French

Parties

Applicant: Tubesca (Ailly-sur-Noye, France) (represented by: F. Greffe, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM: Tubos del Mediterráneo S.A. (Sagunto, Spain)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 17 December 2008 (Case R 518/2008-4) relating to opposition proceedings between Tubesca and Tubos del Mediterráneo S.A.