

Defendant: European Commission (represented by: S. Boelaert and D. Recchia, Agents)

Re:

APPLICATION for partial annulment of Commission Decision 2010/45/EU of 22 December 2009 adopting, pursuant to Council Directive 92/43/EEC, a third updated list of sites of Community importance for the Mediterranean biogeographical region (OJ 2010 L 30, p. 322) to the extent that it lists the site called 'Estrecho oriental' (under reference ES6120032) as a site of Community importance for the Mediterranean biogeographical region

Operative part of the order

1. *The action is dismissed as inadmissible.*
2. *The United Kingdom of Great Britain and Northern Ireland shall pay the costs.*
3. *There is no need to rule on the Kingdom of Spain's application for leave to intervene.*

(¹) OJ C 113, 1.5.2010.

Appeal brought on 30 March 2011 by Guido Strack against the judgment of the Civil Service Tribunal of 20 January 2011 in Case F-121/07, Strack v Commission

(Case T-198/11 P)

(2011/C 211/55)

Language of the case: German

Parties

Appellant: Guido Strack (Cologne, Germany) (represented by H. Tettenborn, lawyer)

Other party to the proceedings: European Commission

Form of order sought by the appellant

- set aside in its entirety the judgment of the European Union Civil Service Tribunal (Second Chamber) of 20 January 2011 in Case F-121/07;
- set aside the order of the European Union Civil Service Tribunal (Second Chamber) of 17 September 2009 in Case F-121/07 in so far as it dismissed the applicant's application for judgment in default;
- set aside the decisions of the European Union Civil Service Tribunal by which Case F-121/07 originally assigned to the First Chamber was subsequently assigned to the Second Chamber;
- set aside the decision of the European Union Civil Service Tribunal in Case F-121/07 not to take into account or not

to admit the applicant's pleading of 2 April 2009 and the applicant's application contained therein for extension of the claim;

- decide in accordance with the applicant's form of order sought in the application in Case F-121/07 and the applicant's pleading in that case of 2 April 2009 and rule against the defendant on the basis of that form of order and the applicant's further claims in Case F-121/07;
- order the Commission to pay all the costs;
- the applicant additionally, referring to the corresponding settled case-law of the European Court of Human Rights, seeks compensation for the excessive length of the proceedings of at least EUR 2 500, the precise amount of which he leaves to the discretion of the Court.

Pleas in law and main arguments

In support of the appeal, the appellant relies on 22 grounds of appeal.

He complains *inter alia* of lack of jurisdiction of the panel which made the contested decisions; unlawful refusal to give judgment in default; unlawfulness of the extensions of time granted to the Commission; refusal to allow the claim to be extended; failure to carry out the required joinder of the case with other cases between the parties; incorrect account of the facts in the preliminary report for the hearing and in the judgment under appeal; bias on the part of the judge-rapporteur; infringement of the Court's rules on language; and discrimination against the appellant on linguistic grounds and failure to translate procedural documents.

The appellant further claims that the Civil Service Tribunal erred in law and gave inadequate reasons for its judgment, with reference *inter alia* to the interpretation and application of Articles 11, 25, 26, 26a and 90 et seq. of the Staff Regulations of Officials of the European Union, Articles 6, 8 and 13 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, Articles 8, 41, 42, 47 and 52 of the Charter of Fundamental Rights of the European Union, Article 6 et seq. of Regulation (EC) No 1049/2001, (¹) and Article 11 et seq. of Regulation (EC) No 45/2001. (²)

(¹) Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ 2001 L 145, p. 43).

(²) 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).