

Order of the General Court of 21 March 2012 — Ebro Foods v Commission

(Case T-234/10) ⁽¹⁾

(Action for annulment — State aid — Aid scheme allowing the tax amortisation of financial goodwill for foreign shareholding acquisitions — Decision declaring the aid scheme incompatible with the common market and not ordering the recovery of the aid — No individual concern — Inadmissibility)

(2012/C 133/50)

Language of the case: Spanish

Parties

Applicant: Ebro Foods, SA, formerly Ebro Puleva, SA (Madrid, Spain) (represented by: J. Buendía Sierra, E. Abad Valdenebro, M. Muñoz de Juan and R. Calvo Salinero, lawyers)

Defendant: European Commission (represented by: R. Lyal and C. Urraca Caviedes, acting as Agents)

Re:

Application for annulment of Article 1(1) of Commission Decision 2011/5/EC of 28 October 2009 on the tax amortisation of financial goodwill for foreign shareholding acquisitions C 45/07 (ex NN 51/07, ex CP 9/07) implemented by Spain (OJ 2011 L 7, p. 48)

Operative part of the order

1. *The action is dismissed.*
2. *Ebro Foods, SA shall pay the costs.*

⁽¹⁾ OJ C 195, 17.7.2010.

Order of the General Court of 21 March 2012 — Modelo Continente Hipermercados v Commission

(Case T-174/11) ⁽¹⁾

(Action for annulment — State aid — Aid schemes allowing for the tax amortisation of financial goodwill for foreign shareholding acquisitions — Decision declaring the aid scheme incompatible with the common market and not ordering the recovery of aid — Lack of individual concern — Inadmissibility)

(2012/C 133/51)

Language of the case: Spanish

Parties

Applicant: Modelo Continente Hipermercados, SA, sucursal en España (Madrid, Spain) (represented by: J. Buendía Sierra, E. Abad Valdenebro, M. Muñoz de Juan and R. Calvo Salinero, lawyers)

Defendant: European Commission (represented by: R. Lyal and C. Urraca Caviedes, Agents)

Re:

Application for annulment of Article 1(1) of Commission Decision 2011/5/EC of 28 October 2009 on the tax amortisation of financial goodwill for foreign shareholding acquisitions C 45/07 (ex NN 51/07, ex CP 9/07) implemented by Spain (OJ 2011 L 7, p. 48).

Operative part of the order

1. *The action is dismissed;*
2. *Modelo Continente Hipermercados, SA, sucursal en España, is ordered to pay the costs.*

⁽¹⁾ OJ C 139, 7.5.2011.

Order of the General Court of 19 March 2012 — Barthel and Others v Court of Justice

(Case T-398/11) ⁽¹⁾

(Appeal — Public Service — Officials — Remuneration — Refusal to grant the appellants an allowance for shiftwork — Time-limit for lodging a complaint — Out of time — Appeal partly manifestly unfounded and partly manifestly inadmissible)

(2012/C 133/52)

Language of the case: French

Parties

Applicants: Yvette Barthel (Arlon, Belgium); Marianne Reiffers (Olm, Luxembourg); and Lieven Massez (Luxembourg, Luxembourg) (represented by: S. Orlandi A. Coolen, J.-N. Louis, É. Marchal and D. Abreu Caldas, lawyers)

Defendant: Court of Justice (represented by: A. Placco, acting as Agent)

Re:

Appeal against the order of the Civil Service Tribunal (Second Chamber) of 10 May 2011 in Case F-59/10 *Barthel and Others v Court of Justice* [2011] II-0000, seeking the annulment of that order.

Operative part of the order

1. *The appeal is dismissed.*
2. *Ms Yvette Barthel, Ms Marianne Reiffers and Mr Lieven Massez are to bear their own costs and to pay those incurred by the Court of Justice of the European Union in the present proceedings.*

⁽¹⁾ OJ C 290, 1.10.2011.