

Defendant: European Commission (represented by: D. Triantafyllou, H. Tserepa-Lacombe and A. Markoulli, Agents)

Re:

Action for annulment of Commission Decision 2010/668/EU of 4 November 2010 excluding from European Union financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF), under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD) (OJ 2010 L 288, p. 24), in so far as that decision excludes certain expenditure incurred by the Hellenic Republic.

Operative part of the judgment

The Court:

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

(¹) OJ C 89, 19.3.2011.

Judgment of the General Court of 13 December 2012 — pelicantravel.com v OHIM — Pelikan (pelican)

(Case T-136/11) (¹)

(Community trade mark — Invalidity proceedings — Community figurative mark pelikan — Absolute ground for refusal — No bad faith on the part of the applicant — Article 52(1)(b) of Regulation (EC) No 207/2009)

(2013/C 38/31)

Language of the case: English

Parties

Applicant: pelicantravel.com s.r.o. (Bratislava, Slovakia) (represented by: M. Chlipala, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Pelikan Vertriebsgesellschaft mbH & Co. KG (Hanover, Germany) (represented by: A. Nordemann, lawyer)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 9 December 2010 (Case R 1428/2009-2) relating to invalidity proceedings between pelicantravel.com s.r.o. and Pelikan Vertriebsgesellschaft mbH & Co. KG.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders pelicantravel.com s.r.o. to pay the costs.

(¹) OJ C 139, 7.5.2011.

Judgment of the General Court of 13 December 2012 — Commission v Strack

(Joined Cases T-197/11 P and T-198/11 P) (¹)

(Appeal — Civil Service — Officials — Access to documents — Articles 26 and 26a of the Staff Regulations — Regulation (EC) No 1049/2001 — Jurisdiction of the Civil Service Tribunal — Inadmissibility of the action at first instance — No act adversely affecting an official — Article 90(a) of the Rules of Procedure)

(2013/C 38/32)

Language of the case: German

Parties

Appellant: European Commission (represented by: P. Costa de Oliveira and B. Eggers, Agents)

Other party to the proceedings: Guido Strack (Cologne, Germany) (represented by: H. Tettenborn, lawyer)

Re:

Two appeals brought against the judgment of the Civil Service Tribunal of the European Union (Second Chamber) of 20 January 2011 in Case F-121/07 *Strack v Commission* (2011) ECR-SC I-A-1-0000 and II-A-1-0000 and seeking to have that judgment set aside.

Operative part of the judgment

The Court:

1. Joins Cases T-197/11 P and T-198/11 P for the purposes of the present judgment;
2. Sets aside the judgment of the Civil Service Tribunal of the European Union (Second Chamber) of 20 January 2011 in Case F-121/07 *Strack v Commission* (2011) ECR I-A-1-0000 and II-A-1-0000 in so far as that Tribunal considered itself to have jurisdiction to hear and determine an action for annulment against a decision adopted under Regulation No 1049/2001;
3. Dismisses the appeal in Case T-198/11 P;
4. Orders Mr Guido Strack to bear his own costs in Cases T-197/11 P and T-198/11 P and pay the costs incurred by the European Commission in Case T-198/11 P;
5. Orders the Commission to bear its own costs in Case T-197/11 P;