

First, the applicants contend that the Commission wrongfully failed to respect the General Court's judgments of 14 June 2012 in cases T-338/08, *Stichting Natuur en Milieu and Pesticide Action Network Europe v Commission* and, T-396/09, *Vereiniging Milieudéfensie and Stichting Stop Luchtverontreiniging Utrecht v Commission*, T-396/09.

Second, the applicants contend that the restriction of the Aarhus Regulation to 'administrative acts of individual scope' establishes a violation of the European Union's obligation to follow from the Aarhus Convention, in so far as Article 10(1) of Regulation No 1367/2006 limits the concept of 'acts', as used in Article 9(3) of the Aarhus Convention, to 'administrative act(s)' defined in Article 2(1)(g) of Regulation No 1367/2006 as 'measure(s) of individual scope'.

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- (<sup>1</sup>) Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies
- (<sup>2</sup>) Commission Implementing Regulation (EU) No 582/2012 of 2 July 2012 approving the active substance bifenthrin, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 Text with EEA relevance
- (<sup>3</sup>) Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC
- (<sup>4</sup>) Convention on access to information, public participation in decision-making and access to justice in environmental matters — Declarations (OJ 2005 L 124, p. 4).

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**Appeal brought on 17 January 2013 by Luigi Marcuccio against the judgment of the Civil Service Tribunal of 6 November 2012 in Case F-41/06 RENV Marcuccio v Commission**

(Case T-20/13 P)

(2013/C 71/40)

*Language of the case: Italian*

**Parties**

*Appellant:* Luigi Marcuccio (Tricase, Italy) (represented by G. Cipressa, lawyer)

*Other party to the proceedings:* European Commission

**Form of order sought by the appellant**

The appellant requests the Court: (1a) to declare that there is no legal basis for the judgment delivered on 6 November 2012 by the Civil Service Tribunal of the European Union in Case F-41/06 RENV *Marcuccio v Commission* or (1b), in the alternative, to set aside the judgment in its entirety; and (2a), given that the state of the proceedings so permits: (2aa) grant all claims made by the appellant in the proceedings at first instance, including the claim that the EC (sic) be ordered to reimburse the appellant in respect of the costs incurred by him in the appeal proceedings; or (2b), in the alternative, refer the case back to the court at first instance for a fresh decision on each of the claims made by the appellant in the proceedings at first instance.

**Pleas in law and main arguments**

The present appeal is brought against the judgment referred to above, which dismissed the action which had been referred back to the Civil Service Tribunal by judgment of the General Court of 8 June 2011 in Case T-20/09 *Commission v Marcuccio*, setting aside in part the judgment in Case F-41/06 ruling on the appellant's action seeking annulment of the Commission's decision of 30 May 2005 by which he was retired on grounds of invalidity and of a series of measures connected to that decision, and on a claim that the Commission pay damages.

The appellant relies on 7 grounds of appeal.

1. *Errores in procedendo*, affecting the appellant's interests, inherent in the serious, patent, flagrant, spectacular, manifest, irremediable and vital *errores in iudicando*.
2. Total failure to state reasons in the judgment under appeal.
3. The contested decision is unlawful on the grounds, inter alia, of lack of competence on the part of the author of the decision, defects in the decision-making procedure, entailing breach of essential procedural requirements and misuse of powers in the form of abuse of process.
4. Distortion and misapplication of the facts.
5. Incorrect, false and unreasonable (application and) breach of the rules on evidence and a number of legal principles and rules of law.

6. Failure to rule on a number of fundamental aspects of the case.
7. Unlawfulness of a ruling that a complaint made by the appellant concerning the contested decision was inadmissible.

**Action brought on 21 January 2013 — Mäurer & Wirtz v OHIM — Sacra (4711 Aqua Mirabilis)**

(Case T-25/13)

(2013/C 71/41)

*Language in which the application was lodged: German*

**Parties**

*Applicant:* Mäurer & Wirtz GmbH & Co. KG (Stolberg, Germany) (represented by: T. Schulte-Beckhausen, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Sacra Srl (Venice, Italy)

**Form of order sought**

The applicant claims that the Court should:

- annul the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 13 November 2012 in Case R 1601/2011-2;
- order the defendant to pay the costs of the initial action and of the appeal.

**Pleas in law and main arguments**

*Applicant for a Community trade mark:* the applicant

*Community trade mark concerned:* word mark '4711 Aqua Mirabilis' for goods in Class 3 — Community trade mark application No 8 988 181

*Proprietor of the mark or sign cited in the opposition proceedings:* Sacra Srl

*Mark or sign cited in opposition:* word mark 'Aqua Admirabilis' for goods in Class 3

*Decision of the Opposition Division:* opposition upheld in part

*Decision of the Board of Appeal:* appeal dismissed

*Pleas in law:* infringement of Article 8(1)(b) and Article 7(1) and (2) of Regulation No 207/2009

**Order of the General Court of 16 January 2013 — Centre national de la recherche scientifique v Commission**

(Joined Cases T-445/09 and T-448/09) <sup>(1)</sup>

(2013/C 71/42)

*Language of the case: French*

The President of the Second Chamber has ordered that the joined cases be removed from the register.

<sup>(1)</sup> OJ C 24, 30.1.2010.

**Order of the General Court of 16 January 2013 — Centre national de la recherche scientifique v Commission**

(Joined Cases T-447/09 and T-449/09) <sup>(1)</sup>

(2013/C 71/43)

*Language of the case: French*

The President of the Second Chamber has ordered that the joined cases be removed from the register.

<sup>(1)</sup> OJ C 24, 30.1.2010.

**Order of the General Court of 16 January 2013 — Centre national de la recherche scientifique v Commission**

(Case T-125/11) <sup>(1)</sup>

(2013/C 71/44)

*Language of the case: French*

The President of the Third Chamber has ordered that the case be removed from the register.

<sup>(1)</sup> OJ C 145, 14.5.2011.

**Order of the General Court of 16 January 2013 — Centre national de la recherche scientifique v Commission**

(Case T-167/11) <sup>(1)</sup>

(2013/C 71/45)

*Language of the case: French*

The President of the Second Chamber has ordered that the case be removed from the register.

<sup>(1)</sup> OJ C 145, 14.5.2011.