

*Defendant:* European Commission (represented by: L. Keppenne and M. Owsiany-Hornung, acting as Agents)

**Re:**

Application for annulment of Commission Implementing Regulation (EU) No 554/2012 of 19 June 2012 concerning the classification of certain goods in the Combined Nomenclature (OJ 2012 L 166, p. 20).

**Operative part of the order**

1. *The action is dismissed.*
2. *Firma Handlowa Faktor B. i W. Gęsina, Gęsina Wojciech is ordered to pay the costs.*

(<sup>1</sup>) OJ C 71, 9.3.2013.

**Order of the General Court of 21 January 2014 — EPAW v Commission**

(Case T-168/13) (<sup>1</sup>)

*(Action for annulment — Legal person governed by private law — Absence of proof of existence in law — Article 44(5)(a) of the Rules of Procedure of the General Court — Manifest inadmissibility)*

(2014/C 78/24)

*Language of the case: English*

**Parties**

*Applicant:* European Platform Against Windfarms (EPAW) (represented by: C. Kiss, lawyer)

*Defendant:* European Commission (represented initially by K. Herrmann and P. Oliver, and subsequently by L. Pignatoro Nolin, K. Herrmann and J. Tomkin, Agents)

**Re:**

Action for annulment of the Communication of 6 June 2012 from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, entitled 'Renewable Energy: a major player in the European energy market', and of the Commission's decision of 21 January 2013 rejecting as inadmissible the request made by the applicant for review by the Commission of that communication.

**Operative part of the order**

1. *The action is dismissed.*

2. *In addition to bearing its own costs, the European Platform Against Windfarms (EPAW) shall pay the costs incurred by the European Commission.*

(<sup>1</sup>) OJ C 207, 20.7.2013.

**Appeal brought on 18 December 2013 by European Commission against the judgment of the Civil Service Tribunal of 23 October 2013 in Case F-93/12 D'Agostino v Commission**

(Case T-670/13 P)

(2014/C 78/25)

*Language of the case: French*

**Parties**

*Appellant:* European Commission (represented by J. Currall and G. Gattinara, acting as Agents)

*Other party to the proceedings:* Luigi D'Agostino (Luxembourg, Luxembourg)

**Form of order sought by the appellant**

- Annul the judgment of the Civil Service Tribunal of 23 October 2013 in Case F-93/12 *D'Agostino v Commission*;
- Dismiss the action brought by Mr D'Agostino in Case F-93/12 as unfounded;
- Order that each party shall bear its own costs of the present instance;
- Order Mr D'Agostino to pay the costs of the action brought before the Civil Service Tribunal;
- Stay the proceedings until delivery of the judgment in Case T-368/12 P *Commission v Macchia*.

**Pleas in law and main arguments**

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

1. First ground of appeal, alleging a material error and a distortion of the facts, in that the Civil Service Tribunal (CST) applied its judgment in Case F-63/11 *Macchia v Commission*, not yet published, to the situation of a member of the contract staff who had not sought the renewal of his contract.