

Re:

Application 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 it applies a financial correction to the Kingdom of the Netherlands in the context of the European quota system in relation to the production of potato starch for 2003 to 2008 in the total amount of EUR 28 947 149.31.

Operative part of the judgment

The Court:

1. Annuls 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) in so far as it applies a financial correction to the Kingdom of the Netherlands in the context of the European quota system in relation to the production of potato starch for 2003 to 2008;
2. Orders the European Commission to pay the costs;
3. Orders the Federal Republic of Germany to bear its own costs.

⁽¹⁾ OJ C 72, 5.3.2011.

Judgment of the General Court of 4 July 2014 — Kimman v Commission

(Case T-644/11 P) ⁽¹⁾

(Appeal — Cross-appeal — Civil service — Officials — Reports — Appraisal report — 2009 appraisal exercise — Rule that the application corresponds to the complaint — Article 91(2) of the Staff Regulations — Opinion of the ad-hoc committee — Distortion — Obligation to state reasons — Manifest error of assessment)

(2014/C 282/33)

Language of the case: French

Parties

Appellant: Eugène Emile Marie Kimman (Overijse, Belgium) (represented by: L. Levi and M. Vandenbussche, lawyers)

Other party to the proceedings: European Commission (represented by: C. Berardis-Kayser and G. Berscheid, Agents)

Re:

Appeal against the judgment of the Civil Service Tribunal of the European Union (Second Chamber) of 29 September 2011 in Case F-74/10 *Kimman v Commission*, not yet published, seeking annulment of that judgment.

Operative part of the judgment

The Court:

1. Annuls the judgment of the Civil Service Tribunal of the European Union (Second Chamber) of 29 September 2011 in Case F-74/10 *Kimman v Commission* (F-74/10), first, in that it declares admissible the second plea in law, the six first parts of the third plea in law and the fourth plea in law, except the claim that the work done by the applicant in the interest of the institution had not been taken into account, raised by the appellant in the proceedings at first instance and, second, in that it orders the European Commission to bear, in addition to its own costs, one quarter of the appellant's costs related to those proceedings;
2. Dismisses the main appeal;
3. Rejects the action brought by Mr Eugène Emile Marie Kimman before the Civil Service Tribunal;

4. Orders Mr Kimman to bear the entirety of the costs both at first instance and of the main appeal;
5. Orders each party to bear its own costs in the cross-appeal.

⁽¹⁾ OJ C 65, 3.3.2012.

**Judgment of the General Court of 9 July 2014 — Moonich Produktkonzepte & Realisierung v OHIM
— Thermofilm Australia (HEATSTRIP)**

(Case T-184/12) ⁽¹⁾

**(Community trade mark — Opposition proceedings — Application for Community word mark
HEATSTRIP — Relative ground for refusal — Article 8(3) of Regulation (EC) No 207/2009 —
Articles 75 and 76 of Regulation No 207/2009)**

(2014/C 282/34)

Language of the case: German

Parties

Applicant: Moonich Produktkonzepte & Realisierung GmbH (Sauerlach b. München, Germany) (represented by: H. Pannen, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: D. Walicka, Agent)

Other party to the proceedings before the Board of Appeal of OHIM: Thermofilm Australia Pty Ltd (Melbourne, Australia) (represented by: J. Kroher and K. Bach, lawyers)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 26 January 2012 (Case R 1956/2010-1), relating to opposition proceedings between Thermofilm Australia Pty Ltd and Moonich Produktkonzepte & Realisierung GmbH.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Moonich Produktkonzepte & Realisierung GmbH to bear its own costs and to pay the costs incurred by the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) and by Thermofilm Australia Pty Ltd.

⁽¹⁾ OJ C 200, 7.7.2012.

Judgment of the General Court of 3 July 2014 — Alchaar v Council

(Case T-203/12) ⁽¹⁾

**(Common foreign and security policy — Restrictive measures taken against Syria — Entry of an
individual on the lists of persons subject to restrictive measures — Links with the regime — Rights of the
defence — Right to a fair hearing — Obligation to state reasons — Burden of proof — Right to effective
judicial protection — Proportionality — Right to property — Right to privacy)**

(2014/C 282/35)

Language of the case: French

Parties

Applicant: Mohamad Nedal Alchaar (Aleppo, Syria) (represented by: A. Korkmaz, D. Amaudruz and A. Boesch, lawyers)