

Other party to the proceedings: Giorgio Cocchi (Wezembeek-Oppem, Belgium) and Nicola Falcione (Brussels, Belgium) (represented initially by S. Orlandi, J. N. Louis and D. de Abreu Caldas, subsequently by: S. Orlandi, lawyers)

Re:

Appeal brought against the judgment of the Civil Service Tribunal of the European Union (First Chamber) of 11 December 2012 in *Cocchi and Falcione v Commission* (F-122/10), ECR-SC, EU:F:2012:180) seeking to have that judgment set aside.

Operative part of the judgment

The Court:

1. Sets aside the judgment of the Civil Service Tribunal of the European Union (First Chamber) of 11 December 2012 in *Cocchi and Falcione v Commission* (F-122/10) in so far as it declares admissible and well-founded the action for annulment of the acts (referred to in that judgment as 'decisions') of 12 and 23 February 2010, issued by the European Commission to Mr Nicola Falcione and M. Giorgio Cocchi respectively, as those acts withdrew the proposals made to Mr Cocchi and Mr Falcione, stating the result in additional years of pensionable service that a potential transfer of their pension rights would generate.
2. Dismisses the cross-appeal.
3. Dismisses the action brought by Messrs Cocchi and Falcione before the Civil Service Tribunal in Case F-122/10 in so far as it seeks annulment of the acts of 12 and 23 February 2010, issued by the European Commission to Mr Nicola Falcione and M. Giorgio Cocchi respectively, as those acts withdrew the proposals made to Mr Cocchi and Mr Falcione, stating the result in additional years of pensionable service that a potential transfer of their pension rights would generate.
4. Orders Messrs Cocchi and Falcione to bear their own costs in the present instance and to pay those incurred by the Commission associated with the cross-appeal. The Commission shall bear its own costs associated with the appeal.
5. Orders Messrs Cocchi and Falcione and the Commission to bear their own costs associated with the proceedings at first instance.

⁽¹⁾ OJ C 129, 4.5.2013.

Judgment of the General Court of 8 October 2015 — Italian Republic v Commission

(Case T-358/13) ⁽¹⁾

(EAFRD — Clearance of the accounts of the paying agencies of Member States concerning expenditure financed by the EAFRD — Decision declaring a certain amount to be non-reusable in connection with the Basilicata Region Rural Development Plan — Article 30 of Regulation (EC) No 1290/2005 — Obligation to state reasons)

(2015/C 398/44)

Language of the case: Italian

Parties

Applicant: Italian Republic (represented by: G. Palmieri and B. Tidore, acting as Agents, and M. Salvatorelli, avvocato dello Stato)

Defendant: European Commission (represented by: J. Aquilina and P. Rossi, acting as Agents)

Re:

Action for partial annulment of Commission Implementing Decision 2013/209/EU of 26 April 2013 on the clearance of the accounts of the paying agencies of Member States concerning expenditure financed by the European Agricultural Fund for Rural Development (EAFRD) for the 2012 financial year (OJ 2013 L 118, p. 23), in so far as it classifies as a 'non-reusable amount' the amount of EUR 5 006 487,10 relating to the Basilicata Region (Italy) Rural Development Plan.

Operative part of the judgment

The Court:

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

⁽¹⁾ OJ C 252, 31.8.2013.

Judgment of the General Court of 7 October 2015 — Panrico v OHIM — HDN Development (Krispy Kreme DOUGHNUTS)

(Case T-534/13) ⁽¹⁾

(Community trade mark — Invalidity proceedings — Community figurative mark Krispy Kreme DOUGHNUTS — Earlier national and international word and figurative marks DONUT, DOGHNUTS, donuts and donuts cream — Relative ground of refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009) — Likelihood of profit derived unduly from the distinctive character or reputation — Risk of detriment — Article 8(5) of Regulation No 40/94 (now Article 8(5) of Regulation No 207/2009))

(2015/C 398/45)

Language of the case: Spanish

Parties

Applicant: Panrico SA (Esplugues de Llobregat, Spain) (represented by: D. Pellisé Urquiza, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervening before the General Court: HDN Development Corp. (Frankfort, Kentucky, United States) (represented by: H. Granado Carpenter and M. Polo Carreño, lawyers)