

2. Dismisses the remainder of the action;
3. Orders Mr Ioannis Terezakis to bear one half of his own costs;
4. Orders the Commission to bear its own costs and pay one half of the costs incurred by Mr Terezakis.

(<sup>1</sup>) OJ C 300, 4.12.2004.

**Judgment of the Court of First Instance of 30 January 2008  
— Strack v Commission**

(Case T-394/04) (<sup>1</sup>)

**(Civil service — Officials — Promotion — 2003 promotion procedure — Allocation of priority points — Refusal of promotion)**

(2008/C 64/53)

Language of the case: German

**Parties**

*Applicant:* Guido Strack (Wasserliesch, Germany) (represented by: first J. Mosar, then F. Gengler and P. Goergen, lawyers)

*Defendant:* Commission of the European Communities (represented by: G. Berscheid and H. Krämer, Agents)

**Re:**

Application for annulment of the promotion procedure carried out in respect of the applicant for 2003, of the allocation of points made in the context of that procedure and the subsequent decision not to promote the applicant

**Operative part of the judgment**

The Court of First Instance hereby:

1. Annuls the decision concerning the number of priority points allocated to Guido Strack in the 2003 promotion procedure and the decision not to promote him through that procedure.
2. Orders the Commission to pay the costs.

(<sup>1</sup>) OJ C 300, 4.12.2004.

**Judgment of the Court of First Instance of 30 January 2008  
— Commission v Environmental Management Consultants**

(Case T-46/05) (<sup>1</sup>)

**(Arbitration clause — Reimbursement of amounts paid — Default interest — Default procedure)**

(2008/C 64/54)

Language of the case: Greek

**Parties**

*Applicant:* Commission of the European Communities (represented by: D. Triantafyllou, Agent, and N. Korogiannakis, lawyer)

*Defendant:* Environmental Management Consultants (Nicosia, Cyprus)

**Re:**

Action brought by the Commission pursuant to Article 238 EC seeking to obtain reimbursement in the sum of EUR 31 965,28 which it paid in the context of the performance of contract IC18-CT98-0273, plus statutory interest

**Operative part of the judgment**

The Court of First Instance hereby:

1. Orders Environmental Management Consultants Ltd to repay to the Commission of the European Communities the amount of EUR 31 965,28, plus interest:
  - at the rate of 9,26 % per annum from 1 to 31 August 2001;
  - at the rate of 8,62 % per annum from 1 September to 31 December 2001;
  - at the rate of 10,57 % per annum from 1 January to 30 June 2002;
  - at the rate of 10,47 % per annum from 1 July to 31 December 2002;
  - at the rate of 9,97 % per annum from 1 January to 30 June 2003;
  - at the rate of 9,22 % per annum from 1 July to 31 December 2003;
  - at the rate of 9,14 % per annum from 1 January to 30 June 2004;
  - at the rate of 9,13 % per annum from 1 July to 31 December 2004;
  - at the rate of 9,21 % per annum from 1 January to 31 January 2005;

— at the statutory rate, calculated in accordance with Article 288 of the Bürgerliches Gesetzbuch (German Civil Code) without that rate exceeding 9,21 % from 1 February 2005 until the discharge of the debt.

2. Orders Environmental Management Consultants to pay the costs.

<sup>(1)</sup> OJ C 108, 6.5.2006.

**Judgment of the Court of First Instance of 24 January 2008**  
— **Dorel Juvenile Group v OHIM (SAFETY 1ST)**

(Case T-88/06) <sup>(1)</sup>

**(Community trade mark — Application for the Community word mark SAFETY 1ST — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 40/94)**

(2008/C 64/55)

Language of the case: English

**Parties**

*Applicant:* Dorel Juvenile Group, Inc. (Canton, United States of America) (represented by: G. Simon, lawyer)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: Ó. Mondéjar Ortuño, acting as Agent)

**Re:**

Action brought against the decision of the Second Board of Appeal of OHIM of 11 January 2006 (Case R 616/2004-2) relating to an application for registration of the word mark SAFETY 1ST as a Community trade mark

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Dorel Juvenile Group, Inc. to pay the costs.

<sup>(1)</sup> OJ C 108, 6.5.2006.

**Judgment of the Court of First Instance of 31 January 2008**  
— **Federación de Cooperativas Agrarias de la Comunidad Valenciana v CPVO**

(Case T-95/06) <sup>(1)</sup>

**(Plant varieties — Appeal to the Board of Appeal of the Community Plant Variety Office — Inadmissibility — Lack of individual concern — Effective judicial protection — Obligation to state reasons)**

(2008/C 64/56)

Language of the case: Spanish

**Parties**

*Applicant:* Federación de Cooperativas Agrarias de la Comunidad Valenciana (Valencia, Spain) (represented by: S. Roig Girbes, R. Ortega Bueno and M. Delgado Echevarría, lawyers)

*Defendant:* Community Plant Variety Office (CPVO) (represented by: M. Ekvad, acting as Agent, assisted by D. O'Keefe, Solicitor, J. Rivas de Andrés and M. Canal Fontcuberta, lawyers)

*Other party to the proceedings before the Board of Appeal of CPVO intervening before the Court of First Instance:* Nador Cott Protection SARL (Saint-Raphaël, France) (represented by: M. Fernández Mateos, S. González Malabia and M. Marín Bataller, lawyers)

**Re:**

Action brought against the decision of the Board of Appeal of CPVO of 8 November 2005 (Case A 001/2005) concerning the grant of a Community plant variety right in regard to the mandarin variety Nadorcott.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders the Federación de Cooperativas Agrarias de la Comunidad Valenciana to pay the costs.

<sup>(1)</sup> OJ C 131, 3.6.2006.