

and 29(1) of the Staff Regulations in the version in force until 30 April 2004 — Concept of 'internal competition' and the objective assigned to recruitment of ensuring that the institution secures the services of persons of the 'highest standard of ability, efficiency and integrity' — Eligibility of auxiliary staff

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders Ms Chetcuti to pay the costs.

(¹) OJ C 82, 14.4.2007.

Judgment of the Court (Second Chamber) of 2 October 2008 — K-Swiss Inc. v Office for Harmonisation in the Internal Market (Trade Marks and Designs)

(Case C-144/07 P) (¹)

(Appeal — Community trade mark — Regulation (EC) No 2868/95 — Time-limit for instituting proceedings before the Court of First Instance — OHIM decision — Notification by express courier — Calculation of the time limit for bringing an action)

(2008/C 301/14)

Language of the case: English

Parties

Appellant: K-Swiss Inc. (represented by: H.E. Hübner, Advocate)

Other party to the proceedings: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: O. Mondéjar Ortuño, Agent)

Re:

Appeal against the order of the Court of First Instance (Third Chamber) of 14 December 2006 in Case T-14/06 K-Swiss v OHIM dismissing as inadmissible an action for annulment of a decision of the First Board of Appeal of OHIM — Time-limit for instituting proceedings — Notification by express courier — Date from which the time-limit begins to run

Operative part of the judgment

The Court:

1. Dismisses the appeal;

2. Orders K Swiss Inc. to pay the costs.

(¹) OJ C 117, 26.5.2007.

Judgment of the Court (Third Chamber) of 9 October 2008 (reference for a preliminary ruling from the Lietuvos Respublikos Konstitucinis Teismas (Republic of Lithuania)) — Proceedings for review of the constitutionality of legislation brought by Julius Sabatauskas and Others

(Case C-239/07) (¹)

(Internal market in electricity — Directive 2003/54/EC — Article 20 — Transmission and distribution systems — Third party access — Obligations of Member States — Open access of third parties to electricity transmission and distribution systems)

(2008/C 301/15)

Language of the case: Lithuanian

Referring court

Lietuvos Respublikos Konstitucinis Teismas

Parties in the main proceedings

Julius Sabatauskas and Others

Re:

Reference for a preliminary ruling — Lietuvos respublikos konstitucinis teismas — Interpretation of Article 20 of Directive 2003/54/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in electricity and repealing Directive 96/92/EC — Statements made with regards to decommissioning and waste management activities (OJ 2003 L 176, p. 37) — Compatibility with the directive of national legislation permitting consumers to have access to the electricity transmission system only after refusal by the distribution system operator to grant access to a distribution system.

Operative part of the judgment

1. Article 20 of Directive 2003/54/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in electricity and repealing Directive 96/92/EC is to be interpreted as defining the Member States' obligations only in respect of the access and not the connection of third parties to the electricity transmission and distribution systems and as not laying down that the system of network access that the Member States are required to establish must allow an eligible customer to choose, at his discretion, the type of system to which he wishes to connect.