

2. Dismisses the action for annulment as to the remainder;
3. Dismisses the action for damages;
4. Orders Brink's Security Luxembourg SA to pay, apart from its own costs, half of the costs incurred by the Commission of the European Communities and by G4S Security Services SA, including those relating to the interlocutory proceedings;
5. Orders the Commission to bear half of its own costs;
6. Orders G4S Security Services to bear half of its own costs.

⁽¹⁾ OJ C 48, 25.2.2006.

Judgment of the Court of First Instance of 9 September 2009 — Holland Malt v Commission

(Case T-369/06) ⁽¹⁾

(State aid — Malt production — Investment aid — Decision declaring the aid incompatible with the common market — Adverse effect on competition — Effect on trade between Member States — Obligation to state the reasons on which the decision is based — Guidelines for State aid in the agriculture sector)

(2009/C 256/40)

Language of the case: English

Parties

Applicant: Holland Malt BV (Lieshout, Netherlands) (represented initially by: O. Brouwer and D. Mes, and subsequently by O. Brouwer, A. Stoffer and P. Schepens, lawyers)

Defendant: Commission of the European Communities (represented by: T. Scharf and A. Stobiecka-Kuik, acting as Agents)

Intervener in support of the applicant: Kingdom of the Netherlands (represented by: C. Wissels, M. de Grave, C. ten Dam and Y. de Vries, acting as Agents)

Re:

Application for annulment of Commission Decision 2007/59/EC of 26 September 2006 concerning the State aid granted by the Netherlands to Holland Malt BV (OJ 2007 L 32, p. 76).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Holland Malt BV to bear its own costs and to pay those incurred by the Commission;
3. Orders the Kingdom of the Netherlands to bear its own costs.

⁽¹⁾ OJ C 42, 24.2.2007.

Judgment of the Court of First Instance of 8 September 2009 — ETF v Landgren

(Case T-404/06) ⁽¹⁾

(Appeals — Staff cases — Members of the temporary staff — Contract for an indefinite period — Decision to dismiss — Article 47(c)(i) of the Conditions of Employment of other servants — Obligation to state the reasons on which the decision is based — Manifest error of assessment — Unlimited jurisdiction — Monetary compensation)

(2009/C 256/41)

Language of the case: French

Parties

Appellant: European Training Foundation (ETF) (represented by: G. Vandersanden and L. Levi, lawyers)

Other party to the proceedings: Pia Landgren (Revigliasco, Italy) (represented by: M.-A. Lucas, lawyer)

Re:

Appeal against the judgment of the European Union Civil Service Tribunal (Full Court) of 26 October 2006 in Case F 1/05 Landgren v ETF [2006] EC- SC-I-A-123 and II-A-I 459 seeking to have that judgment set aside

Operative part of the judgment

The Court:

1. dismisses the appeal;
2. orders the European Training Foundation (ETF) to bear its own costs and to pay the costs incurred by Ms Landgren in the present instance;
3. orders the Commission of the European Communities to bear its own costs.

⁽¹⁾ OJ C 42 of 24.2.2007.

Judgment of the Court of First Instance of 2 September 2009 — El Morabit v Council

(Joined Cases T-37/07 and T-323/07) ⁽¹⁾

(Common Foreign and Security Policy — Restrictive measures with a view to combating terrorism — Freezing of funds — List of persons, groups and entities — Action for annulment)

(2009/C 256/42)

Language of the case: Dutch

Parties

Applicant: Mohamed El Morabit (Amsterdam, Netherlands) (represented by: U. Sarikaya, lawyer)

Defendant: Council of the European Union (represented by: E. Finnegan, G. Van Hegelsom and B. Driessen, Agents)

Interveners in support of the defendant: Kingdom of the Netherlands (represented by: C. Wissels and M. De Mol, and, in Case T-37/07, M. de Grave and, in Case T-323/07, Y. de Vries and M. Noort, Agents); and Commission of the European Communities (represented: in Case T-37/07 by S. Boelaert and J. Aquilina, and in Case T-323/07 by P. van Nuffel and S. Boelaert, Agents)

Re:

Action for the annulment, in part, of, first, Council Decision 2007/445/EC of 28 June 2007 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decisions 2006/379/EC and 2006/1008/EC (OJ 2007 L 169, p. 58) and, second, Council Decision 2006/1008/EC of 21 December 2006 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism (OJ 2006 L 379, p. 123), in so far as the name of the applicant appears on the lists of persons, groups and entities to which those provisions apply.

Operative part of the judgment

The Court:

1. Dismisses the actions;
2. Orders Mr Mohamed El Morabit to bear his own costs and pay those of the Council;
3. Orders the Commission of the European Communities and the Kingdom of the Netherlands to bear their own costs.

⁽¹⁾ OJ C 82, 14. 4. 2007.

Judgment of the Court of First Instance of 14 September 2009 — Lange Uhren v OHIM (Geometric shapes on a watch-face)

(Case T-152/07) ⁽¹⁾

(Community trade mark — Application for a Community figurative mark — Geometric shapes on a watch-face — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 40/94 (now Article 7(1)(b) of Regulation (EC) No 207/2009) — Lack of distinctive character acquired through use — Article 7(3) of Regulation No 40/94 (now Article 7(3) of Regulation No 207/2009)

(2009/C 256/43)

Language of the case: German

Parties

Applicant: Lange Uhren GmbH (Glashütte, Germany) (represented by: M. Schaeffer, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: M. Kicia, acting as Agent)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 15 February 2007 (Case R 1176/2005-1) concerning an application for registration as a Community trade mark of a figurative sign representing geometric shapes on a watch-face.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Lange Uhren GmbH to pay the costs.

⁽¹⁾ OJ C 155, 7.7.2007.

Judgment of the Court of First Instance of 3 September 2009 — Cheminova and Others v Commission

(Case T-326/07) ⁽¹⁾

(Plant-protection products — Active substance ‘malathion’ — Non-inclusion in Annex I to Directive 91/414/EEC — Action for annulment — Locus standi — Admissibility — Evaluation procedure — Assessment by EFSA — Plea of illegality — Article 20 of Regulation (EC) No 1490/2002 — Submission of new studies — Article 8(2) and (5) of Regulation (EC) No 451/2000 — Legitimate expectation — Proportionality — Equal treatment — Principle of sound administration — Rights of the defence — Principle of subsidiarity — Article 95(3) EC, Articles 4(1) and 5(1) of Directive 91/414)

(2009/C 256/44)

Language of the case: English

Parties

Applicants: Cheminova A/S (Harboøre, Denmark); Cheminova Agro Italia Srl (Rome, Italy); Cheminova Bulgaria EOOD (Sofia, Bulgaria); Agrodan, SA, (Madrid Spain); and Lodi SAS (Grand-Fougeray, France) (represented by: C. Mereu and K. Van Maldegem, lawyers, and P. Sellar, Solicitor)

Defendant: Commission of the European Communities (represented by: B. Doherty and L. Parpala, acting as Agents)

Re:

Annulment of Commission Decision 2007/389/EC of 6 June 2007 concerning the non-inclusion of malathion in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing that substance (OJ 2007 L 146, p. 19)