

## GENERAL COURT

**Judgment of the General Court of 19 January 2010 —  
Co-Frutta v Commission**(Joined Cases T-355/04 and T-446/04) <sup>(1)</sup>

*(Access to documents — Regulation (EC) No 1049/2001 — Documents relating to the Community market for imports of bananas — Implied refusal of access followed by express refusal — Actions for annulment — Admissibility — Exception relating to protection of the commercial interests of third parties — Compliance with time-limits — Prior consent of the Member State — Obligation to state reasons)*

(2010/C 51/57)

*Language of the case: Italian***Parties**

*Applicant:* Co-Frutta Soc. coop. (Padua, Italy) (represented by: W. Viscardini and G. Donà, lawyers)

*Defendant:* European Commission (represented by: L. Visaggio and P. Aalto, initially, and P. Aalto and L. Prete, subsequently, acting as Agents)

**Re:**

Action in Case T-355/04 for annulment of (i) the decision of the Commission of 28 April 2004 rejecting an initial application for access to information concerning operators registered in the Community as importers of bananas and (ii) the implied decision of the Commission rejecting the confirmatory access application and action in Case T-446/04 for annulment of the express decision of the Commission of 10 August 2004 refusing access to the information

**Operative part of the judgment***The Court:*

1. Declares that there is no need to adjudicate on the action in Case T-355/04;
2. Dismisses the action in Case T-446/04;
3. Orders Co-Frutta Soc. coop. to pay the costs.

<sup>(1)</sup> OJ C 262, 23.10.2004.

**Judgment of the General Court (Eighth Chamber) of  
20 January 2010 — Sungro and Others v Council and  
Commission**(Joined Cases T-252/07, 271/07, 272/07) <sup>(1)</sup>

*(Non-contractual liability — Common agricultural policy — Amendment of the Community support scheme for cotton — Chapter 10a of Title IV of Regulation (EC) No 1782/2003, inserted by Article 1(20) of Regulation (EC) No 864/2004 — Annulment of the provisions in question by a judgment of the Court — Causal link)*

(2010/C 51/58)

*Language of the case: Spanish***Parties**

*Applicants:* Sungro, SA (Córdoba, Spain) (T-252/07); Eurosemillas, SA (Córdoba, Spain) (T-271/07); and Surcotton, SA (Córdoba, Spain) (T-272/07) (represented by: L. Ortiz Blanco, lawyer)

*Defendants:* Council of the European Union, (represented by: M. Moore, A. De Gregorio Merino and A. Westerhof Löfflerova, Agents); and European Commission (represented by: L. Parpala and F. Jimeno Fernández, Agents, assisted by E. Díaz-Bastien Lopez, L. Divar Bilbao and J. Magdalena Anda, lawyers)

**Re:**

Actions for compensation, under Article 235 EC and the second paragraph of Article 288 EC, for losses allegedly suffered by the applicants as a result of the adoption and application, during the 2006/07 marketing campaign, of Chapter 10a of Title IV of Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) No 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001 (OJ 2003 L 270, p. 1), as inserted by Article 1(20) of Council Regulation (EC) No 864/2004 of 29 April 2004 amending Regulation No 1782/2003 and adapting it by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union (OJ 2004 L 161, p. 48), and annulled by the Court's judgment in Case C-310/04 *Spain v Council* [2006] ECR I-7285

**Operative part of the judgment**

The Court:

1. Joins Cases T-252/07, T-271/07 and T-272/07 for the purposes of judgment;
2. Dismisses the actions;
3. Orders Sungro, SA, Eurosemillas, SA, and Surcotton, SA to bear their own costs and to pay, jointly and severally, those incurred by the Council of the European Union and by the European Commission.

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(<sup>1</sup>) OJ C 211, 8.9.2007.

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**Judgment of the General Court of 20 January 2010 —  
Nokia v OHIM — Medion (LIFE BLOG)**

(Case T-460/07) (<sup>1</sup>)

*(Community trade mark — Opposition proceedings — Application for Community word mark LIFE BLOG — Earlier national word mark LIFE — Relative ground for 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) — Partial refusal to register)*

(2010/C 51/59)

Language of the case: Finnish

**Parties**

*Applicant:* Nokia Oyj (Helsinki, Finland) (represented by: J. Tanhuanpää, lawyer)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: A. Folliard-Monguiral, Agent)

*Other party to the proceedings before the Board of Appeal of OHIM intervening before the General Court:* Medion AG (Essen, Germany) (represented by: P.-M. Weisse, lawyer)

**Re:**

Action brought against the decision of the Second Board of Appeal of the OHIM of 2 October 2007 (Case R 141/2007-2), concerning opposition proceedings between Medion AG and Nokia Oyj

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Nokia Oyj to pay the costs.

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(<sup>1</sup>) OJ C 51, 23.2.2008.

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**Judgment of the General Court of 19 January 2010 — De  
Fays v Commission**

(Case T-355/08 P) (<sup>1</sup>)

*(Appeal — Cross-appeal — Staff case — Officials — Leave — Sick leave — Unauthorised absence established following a medical examination — Deduction from annual leave entitlement — Loss of the benefit of remuneration)*

(2010/C 51/60)

Language of the case: French

**Parties**

*Applicant:* Chantal De Fays (Bereldange, Luxembourg) (represented by: F. Moyses and A. Salerno, lawyers)

*Defendant:* European Commission (represented by: D. Martin and K. Herrmann, acting as Agents)

**Re:**

Appeal against the judgment of the European Union Civil Service Tribunal (First Chamber) of 17 June 2008 in Case F-97/07 *De Fays v Commission*, not yet published in the ECR, seeking to have that judgment set aside.

**Operative part of the judgment**

The Court:

1. Dismisses the appeal and the cross appeal;
2. Orders Chantal De Fays to pay the costs of the appeal;
3. Orders the European Commission to pay the costs of the cross appeal.

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(<sup>1</sup>) OJ C 285, 8.11.2008.