

decision; and, thirdly, a counterclaim by the Commission seeking to have that amount increased.

Operative part

The Court:

1. Sets the amount of the fine imposed on *Compañía española de tabaco en rama, SA (Cetarsa)* in Article 3 of Commission Decision C(2004) 4030 final of 20 October 2004 relating to a proceeding under Article 81(1) EC (Case COMP/C.38.238/B.2 — Raw Tobacco — Spain) at EUR 3 147 300;
2. Dismisses the action as to the remainder;
3. Dismisses the European Commission's counterclaim;
4. Orders Cetarsa to bear eight tenths of its own costs and eight tenths of the costs incurred by the Commission, and orders the Commission to bear two tenths of its own costs and two tenths of the costs incurred by Cetarsa.

Judgment of the General Court (Sixth Chamber) of 3 February 2011 — Italy v Commission

(Case T-205/07)

(Rules on the use of languages — Publication on EPSO's website of a call for expressions of interest to constitute a database of candidates to be recruited as contractual agents — Publication in three official languages — Articles 12 EC and 290 EC — Article 82 of the Conditions of Employment of other Servants — Regulation No 1)

1. *European Union — Rules on languages — Regulation No 1 — Scope — Relations between the institutions and their staff — Not included (Council Regulation No 1) (see paras 30-33)*

2. *European Union — Rules on languages — No general principle giving each citizen the right to have any measure capable of affecting his interests drafted in his own language (Arts 290 EC and 314 EC; Council Regulation No 1) (see para. 50)*

3. *Officials — Contractual agents — Recruitment — Call for expressions of interest to constitute a database of candidates to be recruited as contractual agents — Publication on the site of the European Personnel Selection Office (EPSO) only in certain official languages — Obligation to adopt measures allowing all potential candidates to become aware of the existence and content of the call — Candidates having sufficient mastery of at least one of the languages of publication — Discrimination based on language — None — Candidates having only knowledge of other official languages — Discrimination based on language (Art. 12 EC; Conditions of Employment of other Servants, Art. 82(1)) (see paras 52-54, 58-59, 63-64)*

Re:

APPLICATION for annulment of Call for expressions of interest EPSO/CAST/EU/27/07 to constitute a database of candidates to be recruited as contractual agents carrying out various activities within the European institutions and agencies, published on the website of the European Personnel Selection Office (EPSO) on 27 March 2007.

Operative part

The Court:

1. Annuls Call for expressions of interest EPSO/CAST/EU/27/07 to constitute a database of candidates to be recruited as contractual agents carrying out various activities within the European institutions and agencies, published on the website of the European Personnel Selection Office (EPSO) on 27 March 2007;
2. Orders the Italian Republic and the European Commission to bear their own costs.

Judgment of the General Court (Eighth Chamber) of 3 February 2011 — Gühring v OHIM (Combination of the colours broom yellow and silver grey and combination of the colours yellow ochre and silver grey)

(Cases T-299/09 and T-300/09)

(Community trade mark — Application for a Community trade mark consisting of a combination of the colours broom yellow and silver grey — Application for a Community trade mark consisting of a combination of the colours yellow ochre and silver grey — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 207/2009 — Examination of the facts of the Court's own motion — Article 76(1) of Regulation No 207/2009 — Duty to state reasons — Article 75 of Regulation No 207/2009)

1. *Community trade mark — Procedural provisions — Statement of reasons for decisions — Article 75, first sentence, of Regulation No 207/2009 — Scope identical to that of Article 253 EC (Art. 253 EC; Council Regulation No 207/2009, Art. 75, first sentence) (see para. 16)*