

Operative part of the order

1. *The main appeal brought by Powerserv Personalservice GmbH is dismissed.*
2. *The cross appeal brought by Manpower Inc. is dismissed.*
3. *Powerserv Personalservice GmbH is ordered to pay the costs.*

(¹) OJ C 69, 21.3.2009.

Order of the Court (Fifth Chamber) of 23 October 2009 — Commission of the European Communities v Gerasimos Potamianos (C-561/08 P), Gerasimos Potamianos v Commission of the European Communities (C-4/09 P)

(Joined Cases C-561/08 P and C-4/09 P) (¹)

(Appeal — Civil Service — Temporary agent — Non-renewal of a fixed-term contract — Act having adverse effect)

(2010/C 51/23)

Language of the case: French

Parties

Appellants: Commission of the European Communities (represented by: J. Currel and D. Martin, agents) (C-561/08 P), Gerasimos Potamianos (represented by: J.-N. Louis, lawyer) (C-4/09 P)

Other parties to the proceedings: Gerasimos Potamianos (represented by: J.-N. Louis, lawyer) (C-4/09 P), Commission of the European Communities (represented by: J. Currel and D. Martin, agents) (C-561/08 P)

Re:

Appeal against the judgment of the Court of First Instance of the European Communities (Seventh Chamber) of 15 October 2008 in Case T-160/04 *Potamianos v Commission* in which the Court held that that action brought by Mr Potamianos against the notification by the Director-General of the Directorate-General for 'Research', of information according to which his contract as a member of the temporary staff would not be renewed beyond its date of expiry — Concept of an act adversely affecting the official — Differences in the interpretation between the Court, first, and the Court of First Instance and the Civil Service Tribunal, second

Operative part of the order

1. *The appeals are dismissed.*
2. *The parties shall bear their own costs.*

(¹) OJ C 44, 21.02.2009
OJ C 82, 04.04.2009

Order of the Court of 29 October 2009 — Portela — Comércio de artigos ortopédicos e hospitalares, Lda v European Commission

(Case C-85/09 P) (¹)

(Appeal — Non-contractual liability — Claim for compensation for damage sustained on account of the various omissions by the Commission in the application of Directive 93/42/EEC — No causal connection between the omission alleged and the damage suffered by the applicant in the marketing of defective digital thermometers — Appeal manifestly unfounded)

(2010/C 51/24)

Language of the case: Portuguese

Parties

Appellant: Portela — Comércio de artigos ortopédicos e hospitalares, Lda (represented by: C. Mourato, avocat)

Other party to the proceedings: European Commission (represented by: B. Schima and P. Guerra e Andrade, Agents)

Re:

Appeal brought against the order of the Court of First Instance (Eighth Chamber) of 17 December 2008 in Case T-137/07 *Portela v Commission*, in which the Court rejected as, in part, manifestly inadmissible and, for the remainder, manifestly unfounded an application claiming, primarily, that the Court of First Instance should impose on the Commission the obligation to act in accordance with Article 14b of Council Directive 93/42/EEC of 14 June 1993 concerning medical devices (OJ 1993 L 169, p. 1), as amended by Directive 98/79/EC of the European Parliament and of the Council of 27 October 1998 on in vitro diagnostic medical devices (OJ 1998 L 331, p. 1), by ordering the certification company TÜV Rheinland Product Safety GmbH, through the Federal Republic of Germany, to activate, in favour of the appellant, the mandatory civil liability insurance provided for in point 6 of Annex XI to Directive 93/42, concluded by that company or, if the alleged damage could not be remedied by the main claim, a claim for compensation for the damage sustained by the applicant on account of the various omissions on the part of the Commission.

Operative part of the order

1. *The appeal is dismissed.*
2. *Portela — Comércio de artigos ortopédicos e hospitalares, Lda is ordered to pay the costs.*

(¹) OJ C 102, 1.5.2009.