

**Judgment of the General Court of 7 June 2011 — Toland v Parliament**

(Case T-471/08) <sup>(1)</sup>

*(Access to documents — Regulation (EC) No 1049/2001 — Audit report on the parliamentary assistance allowance — Refusal of access — Exception relating to protection of the purpose of inspections, investigations and audits — Exception relating to protection of the decision-making process)*

(2011/C 211/49)

Language of the case: English

**Parties**

*Applicant:* Ciarán Toland (Dublin, Ireland) (represented by: A. Burke, Solicitor, E. Regan, SC, and J. Newman, Barrister)

*Defendant:* European Parliament (represented by: H. Krück, N. Lorenz and D. Moore, acting as Agents)

*Interveners in support of the applicant:* Kingdom of Denmark (represented by B. Weis Fogh and C. Vang, acting as Agents), Republic of Finland (represented by J. Heliskoski, A. Guimaraes-Purokoski and H. Leppo, acting as Agents), Kingdom of Sweden (represented by A. Falk, S. Johannesson and K. Petkovska, acting as Agents)

**Re:**

Application for partial annulment of the decision of the European Parliament of 11 August 2008, Reference No A(2008) 10636, in so far as it refuses access to Report No 06/02 of the Internal Audit Service entitled 'Audit of the Parliamentary Assistance Allowance'

**Operative part of the judgment**

*The Court:*

1. Annuls the decision of the European Parliament of 11 August 2008, Reference No A(2008) 10636, in so far as it refuses access to Report No 06/02 of the Internal Audit Service of the Parliament of 9 January 2008 entitled 'Audit of the Parliamentary Assistance Allowance';
2. Orders the Parliament to bear its own costs and to pay the costs incurred by Mr Ciarán Toland;
3. Orders the Kingdom of Denmark, the Republic of Finland and the Kingdom of Sweden to bear their own costs.

<sup>(1)</sup> OJ C 32, 7.2.2009.

**Judgment of the General Court of 7 June 2011 — Psytech International v OHIM — Institute for Personality & Ability Testing (16PF)**

(Case T-507/08) <sup>(1)</sup>

*(Community trade mark — Invalidity proceedings — Community word mark 16PF — Absolute grounds for refusal — Distinctive character — No descriptive character — No signs which have become customary — No bad faith — Article 7(1)(b) to (d) and Article 51(1)(b) of Regulation (EC) No 40/94 (now Article 7(1)(b) to (d) and Article 52(1)(b) of Regulation (EC) No 207/2009))*

(2011/C 211/50)

Language of the case: English

**Parties**

*Applicant:* Psytech International Ltd (Pulloxhill, United Kingdom) (represented by: N. Phillips, Solicitor and N. Saunders, Barrister)

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

*Other party to the proceedings before the Board of Appeal of OHIM intervener before the General Court:* Institute for Personality & Ability Testing, Inc. (Champaign, United States) (represented by: G. Hobbs QC and A. Chaudri, Solicitor)

**Re:**

ACTION brought against the decision of the Second Board of Appeal of OHIM of 23 July 2008 (Case R 1012/2007-2), relating to invalidity proceedings between Psytech International Ltd and the Institute for Personality & Ability Testing, Inc.

**Operative part of the order**

*The Court:*

1. Dismisses the action;
2. Orders Psytech International Ltd to pay the costs.

<sup>(1)</sup> OJ C 19, 24.1.2009.

**Order of the General Court of 24 May 2011 — Power-One Italy v Commission**

(Case T-489/08) <sup>(1)</sup>

*(Action for compensation — Project cofunded by the financial instrument LIFE + — Development of a new system of supplying power for use in mobile telephony (Pneuma project) — Abuse of process — Disregard of formal requirements — Inadmissibility)*

(2011/C 211/51)

Language of the case: Italian

**Parties**

*Applicant:* Power-One Italy SpA (Terranova Bracciolini, Italy) (represented by R.Giuffrida and A. Giussani, lawyers)

*Defendant:* European Commission (represented by P. Oliver and D. Recchia, Agents)

**Re:**

Action for compensation for loss allegedly suffered by the applicant following the Commission's decision to end the Pneuma project (LIFE04 ENV/IT/000595), intended to cofund development of a new system of supplying power for use in mobile telephony.

**Operative part of the order**

The Court hereby orders:

1. The action is dismissed.
2. Power-One Italy SpA is ordered to bear its own costs and to pay those incurred by the Commission.

(<sup>1</sup>) OJ C 6, 10.1.2009.

**Order of the General Court of 24 May 2011 — Government of Gibraltar v Commission**

(Case T-176/09) (<sup>1</sup>)

**(Action for annulment — Directive 92/43/EEC — Conservation of natural habitats and of wild fauna and flora — Decision 2009/95/EC — List of sites of Community importance for the Mediterranean biogeographical region — Inclusion in the site of Community importance called 'Estrecho oriental' of an area of the territorial waters of Gibraltar and of an area of the high seas — Partial annulment — Non-severability — Inadmissibility)**

(2011/C 211/52)

Language of the case: English

**Parties**

*Applicant:* Government of Gibraltar (represented by: D. Vaughan and M. Llamas, lawyers)

*Defendant:* European Commission (represented by: S. Boelaert and D. Recchia, Agents)

*Intervener in support of the applicant:* United Kingdom of Great Britain and Northern Ireland (represented by E. Jenkinson and S. Ossowski, Agents, and by D. Wyatt QC and M. Wood, Barrister)

*Intervener in support of the defendant:* Kingdom of Spain (represented by N. Díaz Abad and M. Muñoz Pérez, Agents)

**Re:**

APPLICATION for partial annulment of Commission Decision 2009/95/EC of 12 December 2008 adopting, pursuant to Council Directive 92/43/EEC, a second updated list of sites of Community importance for the Mediterranean biogeographical region (OJ 2009 L 43, p. 393), to the extent that it extends the site called 'Estrecho oriental' (ES6120032) to the territorial waters of Gibraltar (both within and outside Site UKGIB0002) and to an area of the high seas

**Operative part of the order**

1. The action is dismissed as inadmissible.

2. The Government of Gibraltar shall bear its own costs and pay those incurred by the European Commission.

3. The Kingdom of Spain and the United Kingdom of Great Britain and Northern Ireland shall bear their own costs.

(<sup>1</sup>) OJ C 153, 4.7.2009.

**Order of the General Court of 23 May 2011 — Y v Commission**

(Case T-493/09 P) (<sup>1</sup>)

**(Appeal — Staff case — Contract agents — Dismissal — Appeal in part manifestly inadmissible and in part manifestly unfounded)**

(2011/C 211/53)

Language of the case: French

**Parties**

*Appellant:* Y (Brussels, Belgium) (represented by J. Van Rossum, lawyer)

*Other party to the proceedings:* European Commission (represented originally by J.-P. Keppenne and L. Lozano Palacios, and then by J.-P. Keppenne and D. Martin, Agents)

**Re:**

Appeal against the judgment of the European Union Civil Service Tribunal (Third Chamber) of 7 October 2009 in Case F-29/08 Y v Commission, not yet published in the ECR, seeking to have that judgment set aside.

**Operative part of the order**

1. The appeal is dismissed.
2. Mr Y is ordered to bear his own costs and to pay those incurred by the European Commission in these proceedings.

(<sup>1</sup>) OJ C 221, 14.8.2010.

**Order of the General Court of 24 May 2011 — United Kingdom v Commission**

(Case T-115/10) (<sup>1</sup>)

**(Action for annulment — Directive 92/43/EEC — Conservation of natural habitats and of wild fauna and flora — Decision 2010/45/EU — List of sites of Community importance for the Mediterranean biogeographical region — Measure not open to challenge — Measure merely confirmatory — Inadmissibility)**

(2011/C 211/54)

Language of the case: English

**Parties**

*Applicant:* United Kingdom of Great Britain and Northern Ireland (represented by: S. Ossowski, acting as Agent, and by D. Wyatt QC and M. Wood, Barrister)