

Defendant: European Economic and Social Committee (EESC) (represented initially by: M. Bermejo Garde, and subsequently by: M. Arsène, Agents, and by A. Dal Ferro, lawyer)

Intervener in support of the applicant: Kingdom of Spain, (represented by: F. Díez Moreno, Agent)

Re:

ACTION for annulment, firstly, of vacancy notice No 73/07 concerning a post of Secretary-General in the Secretariat of the EESC, published in the English, French and German versions of the *Official Journal of the European Union* of 28 December 2007 (OJ 2007 C 316 A, p. 1), and, secondly, of the corrigendum to that vacancy notice published in the English, French and German versions of the *Official Journal of the European Union* of 30 January 2008 (OJ 2008 C 25 A, p. 19)

Operative part of the judgment

The Court:

1. Annuls vacancy notice No 73/07 concerning a post of Secretary-General in the Secretariat of the European Economic and Social Committee (EESC), published on 28 December 2007, as corrected on 30 January 2008;
2. Orders each party to bear its own costs.

⁽¹⁾ OJ C 116, 9.5.2008.

**Judgment of the General Court of 24 March 2011 —
Freistaat Sachsen and Others v Commission**

(Joined Cases T-443/08 and T-455/08) ⁽¹⁾

(State aid — Aid for Leipzig/Halle Airport — Funding of investments relating to the construction of the new southern runway — Decision declaring aid compatible with the common market — Actions for annulment — No interest in bringing proceedings — Inadmissibility — Concept of ‘undertaking’ — Concept of ‘economic activity’ — Airport infrastructure)

(2011/C 145/38)

Language of the case: German

Parties

Applicants: Freistaat Sachsen (Germany) and Land Sachsen-Anhalt (Germany) (represented by U. Soltész, lawyer) (Case T-443/08); Mitteldeutsche Flughafen AG (Leipzig, Germany) and Flughafen Leipzig/Halle GmbH (Leipzig) (represented by: M. Núñez-Müller, lawyer) (Case T-455/08)

Defendant: European Commission (represented by: K. Gross, B. Martenczuk and E. Righini, Agents)

Interveners in support of the applicants: Federal Republic of Germany (represented by M. Lumma and B. Klein, Agents); and Arbeitsgemeinschaft Deutscher Verkehrsflughäfen eV (ADV) (represented by L. Giesberts, lawyer)

Re:

Application for partial annulment of Commission Decision 2008/948/EC of 23 July 2008 on measures by Germany to assist DHL and Leipzig/Halle Airport (OJ 2008 L 346, p. 1).

Operative part of the judgment

The Court:

1. Joins Cases T-443/08 and T-455/08 for the purposes of judgment;
2. Dismisses the action in Case T-443/08 as inadmissible;
3. Annuls Article 1 of Commission Decision 2008/948/EC of 23 July 2008 on measures by Germany to assist DHL and Leipzig/Halle Airport in so far as it fixes at EUR 350 million the amount of State aid which the Federal Republic of Germany intends to grant to Leipzig/Halle Airport for the construction of a new southern runway and related airport infrastructure;
4. Dismisses the remainder of the action in Case T-455/08;
5. Orders Freistaat Sachsen and Land Sachsen-Anhalt to bear their own costs and to pay the European Commission's costs in Case T-443/08;
6. Orders Mitteldeutsche Flughafen AG and Flughafen Leipzig/Halle GmbH to bear their own costs;
7. Orders the Commission bear its own costs in Case T-455/08;
8. Orders the Federal Republic of Germany and Arbeitsgemeinschaft Deutscher Verkehrsflughäfen eV (ADV) to bear their own costs in Cases T-443/08 and T-455/08.

⁽¹⁾ OJ C 237, 20.12.2008.

**Judgment of the General Court of 29 March 2011 —
Portugal v Commission**

(Case T-33/09) ⁽¹⁾

(Non-compliance with a judgment of the Court of Justice establishing a failure to fulfil obligations — Penalty payment — Claim for payment — Repeal of the legislation at issue)

(2011/C 145/39)

Language of the case: Portuguese

Parties

Applicant: Portuguese Republic (represented by: L. Inez Fernandes and J.A. de Oliveira, Agents)

Defendant: European Commission (represented by: M. Konstantinidis, P. Guerra e Andrade and P. Costa de Oliveira, Agents)

Re:

APPLICATION for annulment of Commission Decision C(2008) 7419 final of 25 November 2008, requiring payment of the penalty payments due pursuant to the judgment of the Court of Justice in Case C-70/06 *Commission v Portugal* [2008] ECR I-1

Operative part of the judgment

The Court:

1. *Annuls Commission Decision C(2008) 7419 final of 25 November 2008;*

2. *Orders the European Commission to pay the costs.*

(¹) OJ C 82, 4.4.2009.

Judgment of the General Court of 24 March 2011 — XXXLutz Marken v OHIM — Natura Selection (Linea Natura Natur hat immer Stil)

(Case T-54/09) (¹)

(Community trade mark — Opposition proceedings — Application for Community figurative mark Linea Natura Natur hat immer Stil — Earlier Community figurative mark natura selection — Relative ground for refusal — Likelihood of confusion — Similarity of the signs — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009)

(2011/C 145/40)

Language of the case: German

Parties

Applicant: XXXLutz Marken GmbH (Wels, Austria) (represented by: H. Pannen, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: S. Schäffner, Agent)

Other party to the proceedings before the Board of Appeal of OHIM, intervening before the General Court: Natura Selection, SL (Barcelona, Spain) (represented by: E. Sagrañes Coca, lawyer)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 28 November 2008 (Case R 1787/

2007-2) relating to opposition proceedings between Natura Selection, SL and XXXLutz Marken GmbH.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders XXXLutz Marken GmbH to pay the costs.*

(¹) OJ C 90, 18.4.2009.

Judgment of the General Court of 24 March 2011 — Dover v Parliament

(Case T-149/09) (¹)

(Rules governing the payment of expenses and allowances to Members of the European Parliament — Review of the use of allowances — Parliamentary assistance allowance — Justification of expenditure — Recovery of undue payments)

(2011/C 145/41)

Language of the case: English

Parties

Applicant: Densmore Ronald Dover (Borehamwood, Hertfordshire, United Kingdom) (represented by: D. Vaughan QC, M. Lester, Barrister, and M. French, Solicitor)

Defendant: European Parliament (represented by: H. Krück, D. Moore and M. Windisch, Agents)

Re:

Application for annulment of Decision D(2009) 4639 of the Secretary-General of the European Parliament of 29 January 2009 concerning the recovery of sums paid to the applicant by way of parliamentary allowances.

Operative part of the judgment

The Court:

1. *Annuls Decision D(2009) 4639 of the Secretary-General of the European Parliament of 29 January 2009 as regards the recovery of the sum of GBP 193 001;*

2. *Dismisses the action as to the remainder;*