

Third, the applicant pleads infringement of the second subparagraph of Article 296 TFEU because the reasons stated for the contested decision are inadequate. In the applicant's submission, the Commission did not explain and did not enable the Polish authorities to ascertain the reasons for the fundamental change in the scope of the alleged breaches.

⁽¹⁾ OJ 2009 L 257, p. 28.

⁽²⁾ Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy (OJ 1999 L 160, p. 103).

⁽³⁾ Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy (OJ 2005 L 209, p. 1).

⁽⁴⁾ Commission Regulation (EC) No 796/2004 of 21 April 2004 laying down detailed rules for the implementation of cross-compliance, modulation and the integrated administration and control system provided for in Council Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers (OJ 2004 L 141, p. 18).

⁽⁵⁾ Commission Regulation (EC) No 817/2004 of 29 April 2004 laying down detailed rules for the application of Council Regulation (EC) No 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) (OJ 2004 L 153, p. 30; corrigendum at OJ 2004 L 231, p. 24).

Appeal brought on 9 December 2009 by Petrus Kerstens against the judgment of the Civil Service Tribunal delivered on 29 September 2009 in Case F-102/07, Kerstens v Commission

(Case T-498/09 P)

(2010/C 51/67)

Language of the case: French

Parties

Appellant: Petrus Kerstens (Overijse, Belgium) (represented by C. Mourato, lawyer)

Other party to the proceedings: European Commission

Form of order sought by the appellant

- Set aside the judgment under appeal;
- Refer the case back to the Civil Service Tribunal of the European Union;
- Order the Commission to pay the costs.

Pleas in law and main arguments

By this appeal, the appellant requests the Court to set aside the judgment of the Civil Service Tribunal (CST) of 29 September

2009, delivered in Case F-102/07 *Kerstens v Commission*, by which the CST dismissed as unfounded an action seeking the annulment of various Commission decisions concerning the award to the applicant of directorate general priority points (PPDG) and/or priority points in recognition of additional tasks carried out in the interests of the institution (PPII) under the 2004, 2005 and 2006 promotion exercises.

In support of his appeal, the applicant submits two grounds of appeal alleging

- that the CST erred in law in the application of the principle of equal treatment, of Article 5 of the General Provisions for implementing Article 45 of the Staff Regulations and of the criteria laid down by the director of the Office for the Administration and Payment of Individual Entitlements in respect of the award of priority points for the 2005 promotion exercise under the abovementioned provision, and that the evidence was distorted;
- that the rights of the defence were not observed in so far as the CST based its decision on an alleged extract from a 2004 Career Development Report which was not produced and could not be challenged by the parties.

Action brought on 11 December 2009 — Inovis v OHIM — Sonaecom (INOVIS)

(Case T-502/09)

(2010/C 51/68)

Language in which the application was lodged: English

Parties

Applicant: Inovis, Inc. (Alpharetta, United States) (represented by: R. Black and B. Ladas, Solicitors)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs)

Other party to the proceedings before the Board of Appeal: Sonaecom — Serviços de Comunicações, S.A. (Maia, Portugal)

Form of order sought

- Annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 14 September 2009 in case R 1691/2008-1;
- Direct the Board of Appeal of the defendant to register the application for the Community trade mark; and