

Judgment of the General Court of 6 March 2012 — Commission v Liotti

(Case T-167/09 P) ⁽¹⁾

(Appeal — Civil service — Officials — Reports procedure — Career Development Report — 2006 appraisal procedure — General Implementing Provisions — Application of the appraisal standards consistently and through consultation)

(2012/C 118/37)

Language of the case: French

Parties

Appellant: European Commission (represented by: B. Eggers and K. Herrmann, Agents)

Other party to the proceedings: Amerigo Liotti (Senningerberg, Luxembourg) (represented by: F. Frabetti, lawyer)

Re:

Appeal brought against the judgment of the European Union Civil Service Tribunal (First Chamber) of 17 February 2009 in Case F-38/08 *Liotti v Commission* [2009] ECR-SC I-A-I-0000 and II-A-1-0000 and for that judgment to be set aside.

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders the European Commission to bear its own costs and to pay those incurred by Mr Amerigo Liotti in the present proceedings.

⁽¹⁾ OJ C 167, 18.7.2009.

Judgment of the General Court of 2 March 2012 — Kingdom of the Netherlands and ING Groep v Commission

(Cases T-29/10 and T-33/10) ⁽¹⁾

(State aid — Financial sector — Aid designed to remedy a serious disturbance in the economy of a Member State — Capital injection with repayment or share conversion options conferred on the aid recipient — Amendment to the repayment terms during the administrative procedure — Decision declaring the aid compatible with the common market — Concept of State aid — Advantage — Private investor test — Necessary and proportionate relationship between the amount of aid and the extent of measures intended to ensure compatibility of the aid)

(2012/C 118/38)

Language of the case: Dutch and English

Parties

Applicants: Kingdom of the Netherlands (represented by: C. Wissels, Y. de Vries and M. de Ree, Agents, assisted by P. Glazener, lawyer) (Case T-29/10); and ING Groep NV (Amsterdam, Netherlands) (represented initially by: O. Brouwer, M. Knapen and J. Blockx, lawyers, and subsequently by O. Brouwer, J. Blockx and M. O'Regan, Solicitor) (Case T-33/10)

Defendant: European Commission (represented by: H. van Vliet, L. Flynn and S. Noë, Agents)

Intervener in support of the applicants in Case T-33/10: De Nederlandsche Bank NV (Amsterdam, Netherlands) (represented initially by: B. Nijs and G. van der Klis, subsequently by G. van der Klis, M. Petite and S. Verschuur and, lastly, by M. Petite and S. Verschuur, lawyers)

Re:

Applications for the partial annulment of Commission Decision 2010/608/EC of 18 November 2009 on State aid C 10/09 (ex N 138/09) implemented by the Netherlands for ING's Illiquid Assets Back Facility and Restructuring Plan (OJ 2010 L 274, p. 139).

Operative part of the judgment

The Court:

1. Joins Cases T-29/10 and T-33/10 for the purposes of the present judgment.
2. Annuls the first paragraph of Article 2 of Commission decision 2010/608/EC of 18 November 2009 on State aid C 10/09 (ex N 138/09) implemented by the Netherlands for ING's Illiquid Assets Back-up Facility and Restructuring Plan, the second paragraph of Article 2 of that decision and Annex II to that decision.
3. Orders the European Commission to pay the costs.

⁽¹⁾ OJ C 80, 27.3.2010.

Judgment of the General Court of 8 March 2012 — Iberdrola v Commission

(Case T-221/10) ⁽¹⁾

(Action for annulment — State aid — Aid schemes allowing for the tax amortisation of financial goodwill for foreign shareholding acquisitions — Decision declaring the aid scheme incompatible with the common market and not ordering the recovery of aid — Act entailing implementing measures — Lack of individual concern — Inadmissibility)

(2012/C 118/39)

Language of the case: Spanish

Parties

Applicant: Iberdrola, SA (Bilbao, Spain) (represented by: J. Ruiz Calzado, M. Núñez-Müller and J. Domínguez Pérez, lawyers)

Defendant: European Commission (represented by: R. Lyal and C. Urraca Caviedes, Agents)