

**Judgment of the General Court of 3 October 2012 —  
Jurašinović v Council**

(Case T-465/09) <sup>(1)</sup>

*(Access to documents — Regulation (EC) No 1049/2001 — Request for access to reports of European Union observers present in Croatia from 1 to 31 August 1995 — Refusal to grant access — Risk of undermining the protection of international relations — Previous disclosure)*

(2012/C 355/47)

Language of the case: French

**Parties**

*Applicant:* Ivan Jurašinović (Angers, France) (represented by: M. Jarry and N. Amara-Lebret, lawyer)

*Defendant:* Council of the European Union (represented by: initially C. Fekete and K. Zieleškiewicz, subsequently C. Fekete and J. Herrmann, acting as Agents)

**Re:**

By way of principal claim, annulment of the decision of 22 September 2009 by which the applicant was granted partial access to reports of European Union observers present in the Knin zone of Croatia on from 1 August to 31 August 1995

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Mr Ivan Jurašinović to bear his own costs and to pay those incurred by the Council of the European Union.

<sup>(1)</sup> OJ C 24, 30.1.2010.

**Judgment of the General Court of 27 September 2012 — El  
Corte Inglés v OHIM — Pucci International (PUCCI)**

(Case T-39/10) <sup>(1)</sup>

*(Community trade mark — Opposition proceedings — Application for the Community word mark PUCCI — Earlier national figurative and word marks Emidio Tucci and E. TUCCI — Application for the earlier Community figurative mark Emidio Tucci — Relative grounds for refusal — No likelihood of confusion — Article 8(1)(b) of Regulation No 207/2009 — Genuine use of the earlier mark — Article 42(2) and (3) and Article 15(1)(a) of Regulation (EC) No 207/2009 — Unfair advantage taken of the distinctive character or the repute of the earlier mark — Article 8(5) of Regulation No 207/2009)*

(2012/C 355/48)

Language of the case: English

**Parties**

*Applicant:* El Corte Inglés, SA (Madrid, Spain) (represented initially by E. López Camba, J.L. Rivas Zurdo and E. Seijo

Veiguela and, subsequently, by J.L. Rivas Zurdo and E. Seijo Veiguela, lawyers)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: J. Crespo Carrillo, acting as Agent)

*Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court:* Emilio Pucci International BV (Amsterdam, Netherlands), (represented by: P. Roncaglia, G. Lazzeretti, M. Boletto and E. Gavuzzi, lawyers)

**Re:**

Action brought against the decision of the First Board of Appeal of OHIM of 29 October 2009 (Case R 173/2009-1), relating to opposition proceedings between El Corte Inglés, SA and Emilio Pucci International BV.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders El Corte Inglés, SA to pay the costs.

<sup>(1)</sup> OJ C 100, 17.4.2010.

**Judgment of the General Court of 3 October 2012 —  
Jurašinović v Council**

(Case T-63/10) <sup>(1)</sup>

*(Access to documents — Regulation (EC) No 1049/2001 — Request for access to certain documents exchanged with the International Criminal Tribunal for the former Yugoslavia during proceedings — Refusal to grant access — Risk of undermining the protection of international relations — Risk of undermining the protection of judicial proceedings and legal advice)*

(2012/C 355/49)

Language of the case: French

**Parties**

*Applicant:* Ivan Jurašinović (Angers, France) (represented by: N. Amara-Lebret, lawyer)

*Defendant:* Council of the European Union (represented by: initially C. Fekete and K. Zieleškiewicz, subsequently C. Fekete and J. Herrmann)

**Re:**

By way of principal claim, annulment of the Council's decision of 7 December 2009 refusing it access to the Council's decisions relating to the transmission to the International Criminal Tribunal for the former Yugoslavia of the documents which that Tribunal requested in connection with the proceedings relating to Mr Ante Gotovina and all the correspondence exchanged in that connection by the EU Institutions and that Tribunal, including any annexes, and particularly the initial requests for documents from both that Tribunal and Mr Gotovina's lawyers.

**Operative part of the judgment**

The Court:

1. Annuls the Council's decision of 7 December 2009 refusing Mr Ivan Jurašinović access to the Council's decisions relating to the transmission to the International Criminal Tribunal for the former Yugoslavia of the documents which that Tribunal requested in connection with the proceedings relating to Mr Ante Gotovina and all the correspondence exchanged in that connection by the EU Institutions and that Tribunal, including any annexes, and particularly the initial requests for documents from both that Tribunal and Mr Gotovina's lawyers, in so far as he was refused access to correspondence between the Council and that Tribunal, and to documents other than the reports drawn up by the European Community's surveillance mission, annexed to that correspondence;
2. Dismisses the action as to the remainder;
3. Orders each party to bear its own costs.

(<sup>1</sup>) OJ C 113, 1.5.2010.

**Judgment of the General Court of 27 September 2012 — J v Parliament**

(Case T-160/10) (<sup>1</sup>)

**(Right of petition — Petition addressed to the European Parliament — Decision to take no further action — Action for annulment — Duty to state reasons — Petition not falling within an area of activity of the European Union)**

(2012/C 355/50)

Language of the case: German

**Parties**

**Applicant:** J (Marchtrenk, Austria) (represented by: A. Auer, lawyer)

**Defendant:** European Parliament (represented by: N. Lorenz and N. Görlitz, agents)

**Re:**

Action for annulment of the decision of the European Parliament's Committee on Petitions of 2 March 2010 to take no further action in relation to the petition lodged by the applicant on 19 November 2009 (petition No 1673/2009).

**Operative part of the judgment**

1. The action is dismissed;
2. Mr J is ordered to pay the costs.

(<sup>1</sup>) OJ C 238, 13.8.2011.

**Judgment of the General Court of 4 October 2012 — Greece v Commission**

(Case T-215/10) (<sup>1</sup>)

**(EAGGF — Guarantee Section — Expenditure excluded from Community financing — Cotton — Aid to the least well-off — Rural development — Effectiveness of supervision — Proportionality)**

(2012/C 355/51)

Language of the case: Greek

**Parties**

**Applicant:** Hellenic Republic (represented: initially by I. Khalkias, G. Skiani and E. Leftheriotou, subsequently I. Khalkias, E. Leftheriotou and X. Basakou, acting as Agents)

**Defendant:** European Commission (represented by: H. Tserepalacombe and A. Markoulli, acting as Agents, assisted by N. Korogiannakis, lawyer)

**Re:**

Annulment of Commission Decision 2001/152/EU of 11 March 2010 excluding from Community financing certain expenditure incurred by the Member States under the European Agricultural Guarantee Fund (EAGGF), Guarantee Section of the European Agricultural Guarantee Fund (EAGF) and the European Agricultural Fund for Rural Development (EAFRD) (OJ 2010 L 63, p. 7) as Decision 2001/152/EU, in so far as it excludes certain expenditure incurred by the Hellenic Republic.

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders the Hellenic Republic to pay the costs.

(<sup>1</sup>) OJ C 195, 17.7.2010.

**Judgment of the General Court of 27 September 2012 — Italy v Commission**

(Case T-257/10) (<sup>1</sup>)

**(State aid — Undertaking with subsidiaries in certain third countries — Reduced rate loans — Decision declaring aid incompatible in part with the internal market and ordering it to be repaid — Decision taken following the annulment by the General Court of the initial decision concerning the same procedure — Force of res judicata — Duty to state reasons)**

(2012/C 355/52)

Language of the case: Italian

**Parties**

**Applicant:** Italian Republic (represented by: P. Gentili and M. Fiorilli, avvocati dello Stato)