

**Re:**

Two actions brought against the decisions of the First Board of Appeal of OHIM of 30 April 2009 (Cases R 1330/2008-1 and R 1329/2008-1) concerning applications for registration of the combination of the colours broom yellow and silver grey and the combination of the colours yellow ochre and silver grey as Community trade marks.

**Operative part of the judgment**

The Court:

1. Orders that Cases T-299/09 to T-300/09 be joined for the purposes of the judgment.
2. Dismisses the actions.
3. Orders Gühring OHG to pay the costs.

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(<sup>1</sup>) OJ C 256, 24.10.2009.

**Order of the General Court of 20 January 2011 — M v EMA**

(Case T-136/10) (<sup>1</sup>)

**(Action for damages — Lack of jurisdiction of the General Court — Referral back to the Civil Service Tribunal)**

(2011/C 89/39)

*Language of the case: English.*

**Parties**

*Applicant:* M (Broxbourne, United Kingdom) (represented by: C. Thomann, Barrister, and I. Khawaja, Solicitor)

*Defendant:* European Medicines Agency (EMA) (represented by: V. Salvatore and N. Rampal Olmedo, agents)

**Re:**

Action for damages, under Articles 268 TFEU and 340 TFEU, for loss allegedly sustained as a result of an accident at work.

**Operative part of the order**

1. The action is referred back to the European Union Civil Service Tribunal.
2. The costs are reserved.

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(<sup>1</sup>) OJ C 148, 5.6.2010.

**Action brought on 29 December 2010 — Interspeed v Commission**

(Case T-587/10)

(2011/C 89/40)

*Language of the case: Slovene*

**Parties**

*Applicant:* Interspeed Holding Kompanija, A.D. (Belgrade, Republic of Serbia) (represented by: Dr Marko Bošnjak)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- order the defendant to pay the applicant damages for loss of profits, loss of income and reduction of the value of assets in the total amount of EUR 131 879 601, and additional sums comprising default interest on the damages claimed from the day this action was brought to the date of actual payment, and
- order the defendant to pay the costs.

**Pleas in law and main arguments**

By this action, brought pursuant to Articles 256 and 258 of the Treaty on the Functioning of the European Union, the applicant claims that the Court should order the defendant to pay the applicant damages for loss of profits, loss of income and reduction of the value of assets in the total amount of EUR 131 879 601, and additional sums comprising default interest on the damages claimed from the day the action was brought to the date of actual payment, calculated at the rate of interest applied by the European Central Bank at the relevant period to major financing transactions, increased by two percentage points, and also the lawyers' fees and other legal costs incurred by the applicant in connection with these proceedings.

If the Court should not uphold the action brought by the applicant, the latter claims that, as regards the costs of the proceedings, in accordance with Article 87(3) of the Rules of Procedure, the Court should order each party to bear its own costs.

In support of its action the applicant puts forward the following pleas in law.

In the first place, the applicant maintains that the European Agency for Reconstruction ('the EAR') has acted unlawfully, in that:

- on 19 December 2006 it issued a call for tenders;
- on 22 December 2006 it published a notice for the selection of an undertaking to carry out work on the border crossing at Prešovo;