

Judgment of the General Court of 18 March 2015 — Cahier and Others v Council and Commission(Case T-195/11, T-458/11, T-448/12 and T-41/13) ⁽¹⁾**(Non-contractual liability — Prohibition for producers of wine obtained from dual-purpose vine varieties from themselves distilling spirits from quantities of wine obtained from dual-purpose vine varieties produced in excess of the quantity normally produced — Application of that legislation by national authorities)**

(2015/C 146/45)

Language of the case: French

Parties

Applicants: Jean-Marie Cahier (Montchaude, France) and the other applicants whose names are annexed to the judgment (represented by: C.-É. Gudin, lawyer)

Defendants: Council of the European Union and European Commission (represented by: in Cases T-195/11 and T-458/11, initially É. Sitbon and P. Mahnič Bruni, then É. Sitbon et S. Barbagallo, in Case T-448/12, initially E. Karlsson and É. Sitbon, then E. Karlsson and A. Westerhof Löfflerová and finally E. Karlsson and S. Barbagallo and, in Case T-41/13, S. Barbagallo and E. Karlsson, acting as Agents); and European Commission (represented by: in Case T-195/11, initially D. Bianchi, B. Schima and M. Vollkommer, then D. Bianchi and B. Schima, in Case T-458/11, B. Schima, in Case T-448/12, I. Galindo Martin and B. Schima and, in Case T-41/13, initially A. Marcoulli and B. Schima, then D. Bianchi, B. Schima and A. Marcoulli, acting as Agents)

Re:

Applications for damages for harm that the applicants claim to have suffered as a result of judicial actions and convictions to which they were subject in France, on the ground that they failed to conform, over the course of several wine years, with the compulsory distillation mechanism established by Article 28 of Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine (OJ 1999 L 179, p. 1), and implemented by Commission regulation (EC) No 1623/2000 of 25 July 2000 laying down detailed rules for implementing Regulation (EC) No 1493/1999 on the common organisation of the market in wine with regard to market mechanisms (OJ 2000 L 194, p. 45).

Operative part of the judgment

The Court:

1. Orders that Cases T-195/11, T-458/11, T-448/12 and T-41/13 be joined for the purposes of judgment;
2. Dismisses the actions;
3. Orders Jean-Marie Cahier and the other applicants whose names are annexed to the judgment to bear their own costs relating to the main proceedings as well as those incurred by the Council of the European Union and the European Commission;
4. Orders Jean-Marie Cahier and the other applicants in Case T-195/11 to bear their own costs relating to the proceedings for interim measures in Case T-195/11 R;
5. Orders the French Republic to bear its own costs.

⁽¹⁾ OJ C 173, 11.6.2011.

Judgment of the General Court of 17 March 2015 — Spa Monopole v OHIM — South Pacific Management (Manea Spa)(Case T-611/11) ⁽¹⁾**(Community trade mark — Opposition proceedings — Application for the Community word mark Manea Spa — Earlier Benelux word and figurative marks SPA and earlier Benelux word mark LES THERMES DE SPA — Relative grounds for refusal — Article 8(1)(b) and (5) of Regulation (EC) No 207/2009)**

(2015/C 146/46)

Language of the case: French

Parties

Applicant: Spa Monopole, compagnie fermière de Spa SA/NV (Spa, Belgium) (represented by: L. De Brouwer, E. Cornu and E. De Gryse, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: A. Folliard-Monguiral, acting as Agent)

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: South Pacific Management (Papeete, Tahiti, France) (represented by: S. de La Marnierre and E. Landon, lawyers)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 8 September 2011 (joined Cases R 1176/2010-1 and R 1886/2010-1), relating to opposition proceedings between Spa Monopole, compagnie fermière de Spa SA/NV and South Pacific Management.

Operative part of the judgment

The Court:

1. *Annuls the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 8 September 2011 (joined Cases R 1176/2010-1 and R 1886/2010-1);*
2. *Orders OHIM and South Pacific Management to each bear their own costs and to pay the costs incurred by Spa Monopole, compagnie fermière de Spa SA/NV.*

⁽¹⁾ OJ C 32, 4.2.2012.

Judgment of the General Court of 18 March 2015 — IDT Biologika v Commission

(Case T-30/12) ⁽¹⁾

(Public supply contracts — Tendering procedure — Supply to Serbia of anti-rabies vaccines — Rejection of a tender — Award of the contract to another tenderer — Selection criteria — Manifest error of assessment)

(2015/C 146/47)

Language of the case: German

Parties

Applicant: IDT Biologika GmbH (Dessau-Roßlau, Germany) (represented by: initially R. Gross and T. Kroupa, then R. Gross and A. Mekdam, lawyers)

Defendant: European Commission (represented by: F. Erlbacher and T. Scharf, acting as Agents)

Re:

Application for annulment of the decision of the Delegation of the European Union to the Republic of Serbia of 5 October 2011 (OJ 2011/S 222-359832) awarding the contract in the call for tenders EuropeAid/130686/C/SUP/RS for the supply of rabies vaccines for vaccination campaigns in Serbia to the consortium directed by the company Bioveta a.s. and rejecting the tender submitted by the applicant.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders IDT Biologika GmbH to pay the costs.*

⁽¹⁾ OJ C 89, 24.3.2012.