

Judgment of the General Court of 2 October 2014 — Euro-Link Consultants and European Profiles v Commission

(Case T-199/12) ⁽¹⁾

(Public service contracts — Tender procedure — Crimean tourism diversification and support project — Rejection of the applicants' tender — Action for annulment — Measure not amenable to review — Confirmatory measure — Partial inadmissibility — Obligation to state reasons — Award criteria — Manifest error of assessment — Misuse of powers — Equal treatment)

(2014/C 395/45)

Language of the case: English

Parties

Applicants: Euro-Link Consultants Srl (Bucharest, Romania); and European Profiles AE Meleton kai Symvoulon Epicheiriseon (Athens, Greece) (represented by: S. Pappas, lawyer)

Defendant: European Commission (represented initially by: S. Bartelt and A. Bordes, and subsequently by S. Bartelt and M. Konstantinidis, Agents)

Re:

Application for the annulment of the decision of 28 February 2012 of the European Union Delegation to Ukraine, in the restricted tender procedure EuropeAid/131567/C/SER/UA 'Crimean tourism diversification and support project', not to award the contract to the applicants' consortium, and the subsequent decisions rejecting the applicants' complaints made on 14 March 2012 by that authority and on 2 May 2012 by the Director of the Neighbourhood Directorate of the Commission's Directorate General for Development and Co-operation — EuropeAid

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Euro-Link Consultants Srl and European Profiles AE Meleton kai Symvoulon Epicheiriseon to pay the costs.*

⁽¹⁾ OJ C 209, 14.7.2012.

Judgment of the General Court of 25 September 2014 — Spirlea v Commission

(Case T-306/12) ⁽¹⁾

(Access to documents — Regulation (EC) No 1049/2001 — Third indent of Article 4(2) — Requests for information addressed by the Commission to Germany in the context of an EU Pilot procedure — Refusal of access — Obligation to carry out a concrete and individual examination — Overriding public interest — Partial access — Duty to state reasons)

(2014/C 395/46)

Language of the case: German

Parties

Applicants: Darius Nicolai Spirlea and Mihaela Spirlea (Capezzano Pianore, Italy) (represented by: initially, V. Foerster and T. Pahl, and, subsequently, V. Foerster and E. George, lawyers)

Defendant: European Commission (represented by: P. Costa de Oliveira, acting as Agent, assisted initially by A. Krämer and R. Van der Hout, and subsequently by R. Van der Hout, lawyers)

Interveners in support of the applicants: Kingdom of Denmark (represented by: initially, V. Pasternak Jørgensen and C. Thorning, and, subsequently, C. Thorning and K. Jørgensen, acting as Agents); Republic of Finland (represented by: S. Hartikainen, acting as Agent); and Kingdom of Sweden (represented by: initially, C. Meyer-Seitz, A. Falk, C. Stege, S. Johannesson, U. Persson, K. Ahlstrand-Oxhamre and H. Karlsson, and, subsequently, C. Meyer-Seitz, A. Falk, U. Persson, L. Swedenborg, C. Hagerman and E. Karlsson, acting as Agents)

Interveners in support of the defendant: Czech Republic (represented by: M. Smolek, T. Müller and D. Hadroušek, acting as Agents); and Kingdom of Spain (represented by: initially, S. Centeno Huerta, and, subsequently, J. García-Valdecasas Dorrego, abogados del Estado)

Re:

Application for annulment of the Commission's decision of 21 June 2012 refusing to allow the applicants access to two requests for information addressed by the Commission to the Federal Republic of Germany, dated 10 May and 10 October 2011, in the context of EU Pilot procedure No 2070/11/SNCO.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders each party to bear its own costs.

(¹) OJ C 273, 8.9.2012.

Judgment of the General Court of 26 September 2014 — Koscher + Würtz v OHIM — Kirchner & Wilhelm (KW SURGICAL INSTRUMENTS)

(Case T-445/12) (¹)

(Community trade mark — Opposition proceedings — International registration designating the European Community — Figurative mark KW SURGICAL INSTRUMENTS — Earlier national word mark Ka We — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 — Appeal procedure — Scope of the examination to be carried out by the Board of Appeal — Proof of genuine use of the earlier trade mark — Application submitted to the Opposition Division — Refusal to register the trade mark applied for without prior examination of the condition of genuine use of the earlier trade mark — Error of law — Power to alter decisions)

(2014/C 395/47)

Language of the case: German

Parties

Applicant: Koscher + Würtz GmbH (Spaichingen, Germany) (represented by: P. Mes, C. Graf von der Groeben, G. Rother, J. Bühling, A. Verhauwen, J. Künzel, D. Jestaedt, M Bergermann, J. Vogtmeier and A. Kramer, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM: Kirchner & Wilhelm GmbH + Co. (Asperg, Germany) (represented by: J. Dönch, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 6 August 2012 (Case R 1675/2011-4) concerning opposition proceedings between Kirchner & Wilhelm GmbH + Co. and Koscher + Würtz GmbH.