

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented initially by A. Pohlmann, and subsequently by S. Hanne, acting as Agents)

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Lidl Stiftung & Co. KG (Neckarsulm, Germany) (represented by: A. Marx and M. Wolter, lawyers)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 24 March 2010 (Case R 770/2009-1) relating to opposition proceedings between Wesergold Getränkeindustrie GmbH & Co. KG and Lidl Stiftung & Co. KG.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders rihä WeserGold Getränke GmbH & Co. KG to bear its own costs and to pay those incurred by the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) and by Lidl Stiftung & Co. KG in the proceedings before the General Court and the Court of Justice.*

⁽¹⁾ OJ C 221, 14.8.2010.

Judgment of the General Court of 24 November 2015 — Commission v D’Agostino

(Case T-670/13 P) ⁽¹⁾

(Appeal — Cross-appeal — Civil service — Member of the contract staff — Decision not to renew the contract — Duty of care — Infringement of Article 12a(2) of the Staff Regulations — Obligation to state reasons — Distortion of the file)

(2016/C 016/34)

Language of the case: French

Parties

Appellant: European Commission (represented initially by J. Currall and G. Gattinara, and subsequently by G. Gattinara, Agents)

Other party to the proceedings: Luigi D’Agostino (Luxembourg, Luxembourg), (represented by: M.-A. Lucas, lawyer)

Re:

Appeal brought against the judgment of the Civil Service Tribunal (Third Chamber) of 23 October 2013 in Case F-93/12 *D’Agostino v Commission* (F-93/12, ECR-SC, EU:F:2013:155), seeking to have that judgment set aside.

Operative part of the judgment

The Court:

1. *Sets aside the judgment of the European Union Civil Service Tribunal (Third Chamber) of 23 October 2013 in D’Agostino v Commission (F-93/12) in so far the Civil Service Tribunal incorrectly applied the duty of care;*

2. Dismisses the remainder of the main appeal;
3. Sets aside the judgment in *D'Agostino v Commission* in so far as the Civil Service Tribunal failed to adjudicate on the first part of the second ground of appeal and distorted it;
4. Dismisses the cross-appeal for the remainder;
5. Refers the case back to the Civil Service Tribunal;
6. Reserves the costs.

⁽¹⁾ OJ C 78, 15.3.2014.

Judgment of the General Court of 19 November 2015 — Greece v Commission

(Case T-107/14) ⁽¹⁾

(EAGGF — Guarantee Section — EAGF and EAFRD — Expenditure excluded from financing — Regulation (EC) No 1782/2003 — Single payment entitlements scheme — National reserve — Allocation criteria — Risk to the Fund — Cross compliance)

(2016/C 016/35)

Language of the case: Greek

Parties

Applicant: Hellenic Republic (represented: initially by I. Chalkias, E. Leftheriotou and A. Vasilopoulou, and subsequently by M. Kanellopoulos, E. Leftheriotou and A. Vasilopoulou, acting as Agents)

Defendant: European Commission (represented by: P. Rossi and D. Triantafyllou, acting as Agents)

Re:

Application for annulment of Commission Implementing Decision 2013/763/EU of 12 December 2013 on excluding from European Union financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF), under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD) (OJ 2013 L 338, p. 81), in so far as the Hellenic Republic is concerned.

Operative part of the judgment

The Court:

1. Annuls Commission Implementing Decision 2013/763/EU of 12 December 2013 on excluding from European Union financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF), under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD), in so far as it imposes a flat-rate correction on the Hellenic Republic relating to the allocation of entitlements from the national reserve and in so far as the European Commission applied to the Hellenic Republic a financial correction in respect of 2008 relating to cross-compliance;