

GENERAL COURT

Judgment of the General Court of 26 February 2016 — Šumelj and Others v Commission

(Joined Cases T/546/13, T-108/14 and T-109/14) ⁽¹⁾

(Non-contractual liability — Accession of Croatia to the European Union — Repeal before accession of national legislation providing for the creation of the profession of public enforcement officer — Harm suffered by the persons previously appointed as public enforcement officers — Failure by the Commission to adopt measures ensuring compliance with the accession commitments — Sufficiently serious breach of a rule of law conferring rights on individuals — Article 36 of the Act of Accession)

(2016/C 118/23)

Language of the case: Croatian

Parties

Applicants: Ante Šumelj (Zagreb, Croatia), Dubravka Bašljan (Zagreb), Đurđica Crnčević (Sv. Ivan Zeline, Croatia), Miroslav Lovreković (Križevci, Croatia) (Case T-546/13); Drago Burazer (Zagreb), Nikolina Nežić (Zagreb), Blaženka Bošnjak (Sv. Ivan Zeline), Bosiljka Grbašić (Križevci), Tea Tončić (Pula, Croatia), Milica Bjelić (Dubrovnik, Croatia), Marijana Kruhobrec (Varaždin, Croatia) (Case T-108/14); Davor Škugor (Sisak, Croatia), Ivan Gerometa (Vrsar, Croatia), Kristina Samardžić (Split, Croatia), Sandra Cindrić (Karlovac, Croatia), Sunčica Gložinić (Varaždin), Tomislav Polić (Kaštel Novi, Croatia) and Vlatka Pižeta (Varaždin) (Case T-109/14) (represented by: M. Krmek, lawyer)

Defendant: European Commission (represented by: K. Ćutuk and G. Wils and, in Cases T-546/13 and T-108/14, S. Ječmenica, acting as Agents)

Re:

Action for damages seeking compensation for damage allegedly suffered by the applicants following the failure by the Commission to take measures to ensure the Republic of Croatia's compliance with its accession commitments.

Operative part of the judgment

The Court:

1. Dismisses the actions;
2. Orders Mr Ante Šumelj and the other applicants named in the annex to pay the costs.

⁽¹⁾ OJ C 367, 14.12.2013.

Judgment of the General Court of 26 February 2016 — Mederer GmbH v OHIM — Cadbury Netherlands International Holdings (Gummi Bear-Rings)

(Case T-210/14) ⁽¹⁾

(Community trade mark — Opposition proceedings — International registration designating the European Community — Figurative mark Gummi Bear-Rings — Earlier national figurative mark GUMMY — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2016/C 118/24)

Language of the case: English

Parties

Applicant: Mederer GmbH (Fürth, Germany) (represented by: C. Sachs and O. Ruhl, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: V. Melgar and H. Kunz, acting as Agents)

Other party to the proceedings before the Board of Appeal of OHIM, intervening before the General Court: Cadbury Netherlands International Holdings BV (Breda, Netherlands) (represented by: A. Padiá Martínez, lawyer)

Re:

Action brought against the decision of the Fifth Board of Appeal of OHIM of 16 December (Case R 225/2013-5), concerning opposition proceedings between Cadbury Netherlands International Holdings B V and Mederer GmbH.

Operative part of the judgment

The Court:

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

⁽¹⁾ OJ C 245, 28.7.2014.

Judgment of the General Court of 26 February 2016 — Bodson and Others v EIB

(Case T-240/14 P) ⁽¹⁾

(Appeal — Civil service — EIB staff — Contractual nature of the employment relationship — Reform of the remuneration scheme and salary progression at the EIB — Obligation to state reasons — Distortion — Errors of law)

(2016/C 118/25)

Language of the case: French

Parties

Appellants: Jean-Pierre Bodson (Luxembourg, Luxembourg), Dalila Bundy (Cosnes-et-Romain, France), Didier Dulieu (Roussy-le-Village, France), Marie-Christel Heger (Nospelt, Luxembourg), Evangelos Kourgias (Senningerberg, Luxembourg), Manuel Sutil (Luxembourg), Patrick Vanhoudt (Gonderange, Luxembourg) and Henry von Blumenthal (Bergem, Luxembourg) (represented by: L. Levi, lawyer)

Other party to the proceedings: European Investment Bank (represented by: C. Gómez de la Cruz, T. Gilliams and G. Nuvoli, acting as Agents, and by P.-E. Partsch, lawyer)

Re:

Appeal brought against the judgment of the European Union Civil Service Tribunal (Third Chamber) of 12 February 2014 in *Bodson and Others v EIB* (F-73/12, ECR-SC, EU:F:2014:16) seeking annulment of that judgment.

Operative part of the judgment

The Court:

- 1) *Dismisses the action;*