

**Judgment of the General Court of 11 December 2017 — Léon Van Parys v Commission**(Case T-125/16) <sup>(1)</sup>***(Customs union — Imports of bananas from Ecuador — Post-clearance recovery of import duties — Application for the remission of import duties — Decision adopted following the annulment by the General Court of an earlier decision — Reasonable time)***

(2018/C 032/34)

Language of the case: Dutch

**Parties**

**Applicant:** Firma Léon Van Parys NV (Antwerp, Belgium) (represented by: P. Vlaemminck, B. Van Vooren, R. Verbeke and J. Auwerx, lawyers)

**Defendant:** European Commission (represented by: A. Caeiros, B.-R. Killmann and E. Manhaeve, acting as Agents)

**Re:**

Application, first, pursuant to Article 263 TFEU, for annulment of Commission Decision C(2016) 95 final of 20 January 2016 finding that post-clearance entry in the accounts of import duties is justified and that remission of those duties is justified with regard to a debtor and is in part justified in the particular case of another debtor but in another part not justified with regard to that particular debtor, and modifying Commission Decision C(2010) 2858 of 6 May 2010, and, second, for a declaration that Article 909 of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (OJ 1993 L 253, p. 1) had effect with regard to the applicant following the judgment of 19 March 2013, *Firma Van Parys v Commission* (T-324/10, EU:T:2013:136).

**Operative part of the judgment**

*The Court:*

1. Annuls Article 1(4) of Commission Decision C(2016) 95 final of 20 January 2016 finding that post-clearance entry in the accounts of import duties is justified and that remission of those duties is justified with regard to a debtor and is in part justified in the particular case of another debtor but in another part not justified with regard to that particular debtor, and modifying Commission Decision C(2010) 2858 of 6 May 2010;
2. Dismisses the action as to the remainder;
3. Orders the European Commission to bear its own costs and to pay those incurred by Firma Léon Van Parys NV.

<sup>(1)</sup> OJ C 175, 17.5.2016.

**Judgment of the General Court of 5 December 2017 — Spadafora v Commission**(Case T-250/16) <sup>(1)</sup>***(Appeal — Civil Service — Officials — Dismissal of the action at first instance as manifestly inadmissible and manifestly unfounded — Application to have that order set aside — Post of Head of the Legal Advice Unit of OLAF — Selection procedure — Pre-selection panel — Not included in the restricted list of proposed candidates for a final interview with the Appointing Authority — Impartiality — Claim for compensation — Loss of chance — Whether the state of the proceedings permits final judgment to be given)***

(2018/C 032/35)

Language of the case: Italian

**Parties**

**Appellant:** Sergio Spadafora (Brussels, Belgium) (represented by: G. Belotti, lawyer)

*Other party to the proceedings:* Commission (represented initially by: G. Gattinara and C. Berardis-Kayser, and subsequently by: G. Gattinara and L. Radu Bouyon, acting as Agents)

**Re:**

Appeal lodged against the order of the European Union Civil Service Tribunal (Third Chamber) of 7 April 2016, *Spadafora v Commission* (F-44/15, EU:F:2016:69), seeking to have that order set aside.

**Operative part of the judgment**

*The Court:*

1. Sets aside the order of the European Union Civil Service Tribunal (Third Chamber) of 7 April 2016, *Spadafora v Commission* (F-44/15), with the exception of the dismissal as manifestly inadmissible of the application for a declaration that, by virtue of the annulment of the decision of 30 June 2014, by which the Director General of the European Anti-Fraud Office appointed Ms D to the post of Head of the Legal Advice Unit of OLAF's Investigation Support Directorate and of Decision Ares(2015) 43686 of 5 January 2015 of Ms K. Georgieva, Vice-President of the European Commission, rejecting the applicant's claim (R/994/14), the selection procedure was vitiated by illegality from the moment that the illegality occurred;
2. Dismisses the remainder of the appeal;
3. Annuls the decision of 30 June 2014, by which the Director General of the European Anti-Fraud Office appointed Ms D to the post of Head of the Legal Advice Unit of OLAF's Investigation Support Directorate;
4. Annuls Decision Ares(2015) 43686 of 5 January 2015 of Ms K. Georgieva, Vice-President of the European Commission, rejecting the applicant's claim (R/994/14);
5. Dismisses the action at first instance insofar as Mr Sergio Spadafora seeks compensation for the material loss resulting from the loss of chance to be selected for the post of Head of the Legal Advice Unit of OLAF's Investigation Support Directorate;
6. Orders the Commission to pay the costs of the appeal proceedings and those of the proceedings at first instance.

<sup>(1)</sup> OJ C 251, 11.7.2016.

**Judgment of the General Court of 7 December 2017 — Colgate-Palmolive v EUIPO (360°)**

(Case T-332/16) <sup>(1)</sup>

**(EU trade mark — Application for the EU word mark 360° — Absolute grounds for refusal — Descriptiveness — Article 7(1)(c) of Regulation (EC) No 207/2009 (now Article 7(1)(c) of Regulation (EU) 2017/1001) — Distinctive character acquired through use — Article 7(3) of Regulation No 207/2009 (now Article 7(3) of Regulation 2017/1001))**

(2018/C 032/36)

Language of the case: English

**Parties**

*Applicant:* Colgate-Palmolive Co. (New York, New York, United States) (represented by: M. Zintler and A. Stolz, lawyers)

*Defendant:* European Union Intellectual Property Office (represented by: M. Rajh, acting as Agent)

**Re:**

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 14 April 2016 (Case R 2288/2015-4), concerning an application for registration of the word sign 360° as an EU trade mark.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;