

**Judgment of the General Court of 28 April 2017 — HN v Commission**(Case T-588/16) <sup>(1)</sup>

*(Civil Service — Officials — Regulation (EU, Euratom) No 1023/2013 — Reform of the Staff Regulations — New career rules and rules for promotion to grades AD 13 and AD 14 — Officials of grade AD 12 — Exercise of particular responsibilities — Article 30(3) of Annex XIII to the Staff Regulations — Promotion year 2014 — Request to be categorised in the type of post ‘Adviser or equivalent’ — Lack of response from the Appointing Authority — Promotion year 2015 — Fresh request to be categorised in the type of post ‘Adviser or equivalent’ or ‘Head of unit or equivalent’ — Rejected by the Appointing Authority — Confirmatory nature of the refusal of categorisation in the type of post ‘Adviser or equivalent’ — Requirements related to the pre-litigation procedure — Inadmissibility)*

(2017/C 195/39)

Language of the case: French

**Parties**

*Applicant:* HN (represented by: F. Sciaudone and R. Sciaudone, lawyers)

*Defendant:* European Commission (represented by: E. Ehrbar and A-C. Simon, acting as Agents, and B. Wägenbaur, lawyer)

**Re:**

Application on the basis of Article 270 TFEU seeking in particular the annulment of ‘the decision rejecting the [applicant’s] request to be regarded as exercising particular responsibilities giving rise to his categorisation in the type of post [of] “Adviser or equivalent” under Article 30(3) of Annex XIII of the [new] Staff Regulations’ and Decision SEC(2013) 691 of 18 December 2013, entitled “Communication to the Commission amending the Rules governing the composition of the Members” Cabinets and the Spokespersons’.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Mr HN to pay the costs.

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<sup>(1)</sup> OJ C 251, 11.7.2016 (case initially registered before the European Union Civil Service Tribunal under number F-18/16 and transferred to the General Court of the European Union on 1.9.2016).

**Order of the General Court of 17 March 2017 — Düll v EUIPO — Cognitect (DaToMo)**(Case T-381/16) <sup>(1)</sup>

*(EU trade mark — Cancellation proceedings — Withdrawal of the application for revocation — No need to adjudicate)*

(2017/C 195/40)

Language of the case: English

**Parties**

*Applicant:* Klaus Düll (Südergellersen, Germany) (represented by: S. Wolff-Marting, lawyer)

*Defendant:* European Union Intellectual Property Office (represented by: S Palmero Cabezas, acting as Agent)

*Other party to the proceedings before the Board of Appeal of EUIPO intervening before the General Court: Cognitect, Inc. (Durham, North Carolina, United States)*

**Re:**

Action brought against the decision of the Second Board of Appeal of EUIPO of 19 April 2016 (Joined Cases R 1383/2015-2 and R 1481/2015-2), concerning cancellation proceedings between Cognitect, Inc. and Klaus Düll.

**Operative part of the order**

- 1) *There is no longer any need to adjudicate on the action.*
- 2) *Klaus Düll and Cognitect, Inc. shall bear their own costs and shall each pay half of the costs incurred by the European Union Intellectual Property Office (EUIPO).*

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<sup>(1)</sup> OJ C 364, 3.10.2016.

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**Order of the Vice-President of the General Court of 10 April 2017 — Exaa Abwicklungsstelle für Energieprodukte v ACER**

**(Case T-123/17 R)**

***(Application for interim measures — Energy — Decision of ACER rejecting an application for leave to intervene in Case A-001-2017 (consolidated) — Application for suspension of operation of a measure — No urgency)***

**(2017/C 195/41)**

*Language of the case: German*

**Parties**

*Applicant: Exaa Abwicklungsstelle für Energieprodukte AG (Vienna, Austria) (represented by: B. Rajal, lawyer)*

*Defendant: Agency for the Cooperation of Energy Regulators (ACER) (represented by: P. Martinet and E. Tremmel, acting as Agents)*

**Re:**

Application based on Articles 278 TFEU and 279 TFEU, seeking suspension of the operation of the decision of ACER of 17 February 2017 rejecting the application for leave to intervene lodged by the applicant in Case A-001-2017 (consolidated).

**Operative part of the order**

1. *The application for interim measures is dismissed.*
  2. *The costs are reserved.*
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