

2. Orders N & C Franchise Ltd to pay the costs.

⁽¹⁾ OJ C 22, 23.1.2017.

Judgment of the General Court of 14 December 2017 — RL v Court of Justice of the European Union

(Case T-21/17) ⁽¹⁾

(Civil Service — Officials — Promotion — 2015 promotion year — Decision not to promote the applicant to grade AD 10, with effect from 1 July 2015 — Interinstitutional transfer — Prorata temporis system — Comparative examination of the merits — Article 45 of the Staff Regulations — Liability)

(2018/C 052/39)

Language of the case: French

Parties

Applicant: RL (represented by: C. Bernard-Glanz and A. Tymen, lawyers)

Defendant: Court of Justice of the European Union (represented by: J. Inghelram and V. Hanley-Emilsson, acting as Agents)

Re:

Application on the basis of 270 TFEU and seeking, firstly, the annulment of the decision of the Court of Justice of the European Union of 11 May 2016 refusing to promote the application on 1 July 2015 and, secondly, compensation for the loss which the applicant allegedly suffered.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders RL to pay the costs.

⁽¹⁾ OJ C 95, 27.3.2017.

Order of the General Court of 7 December 2017 — Durazzo v EEAS

(Case T-559/16) ⁽¹⁾

(Civil service — Officials — Promotion — 2014 promotion exercise — Acts not adversely affecting an official — Manifest inadmissibility — Decision not to promote the applicant — Article 43 and Article 45 (1) of the Staff Regulations — Consideration of comparative merits — Taking into account staff reports for the purpose of promotion — Purely literal assessments — No method enabling staff reports to be compared for the purpose of promotion — Manifestly well-founded action)

(2018/C 052/40)

Language of the case: French

Parties

Applicant: Giacomo Durazzo (Brussels, Belgium) (represented by: N. de Montigny and J.-N. Louis, lawyers)

Defendant: European External Action Service (EEAS) (represented by: initially by S. Marquardt and M. Silva, and subsequently by S. Marquardt, acting as Agents, and by M. Troncoso Ferrer, F.-M. Hislairé and S. Moya Izquierdo, lawyers)

Re:

Application under Article 270 TFEU seeking annulment of three acts of the EEAS, namely (i) the proposal for promotion of 11 July 2014 in so far as it concerns Grade AD 13, (ii) the decision of 29 October 2014 not to promote the applicant to Grade AD 13 under the 2014 promotion exercise, and (iii) the decision of 28 May 2015 rejecting the complaint submitted by the applicant against that refusal to promote him.

Operative part of the order

1. *The decision of the European External Action Service (EEAS) of 29 October 2014 not to promote Mr Giacomo Durazzo to Grade AD 13 under the 2014 promotion exercise is annulled.*
2. *The action is dismissed as to the remainder.*
3. *The EEAS is ordered to pay the costs.*

⁽¹⁾ OJ C 302, 14.9.2015 (case initially registered before the European Union Civil Service Tribunal as Case F-101/15 and transferred to the General Court of the European Union on 1 September 2016).

Order of the General Court of 14 December 2017 — PGNiG Supply & Trading v Commission

(Case T-849/16) ⁽¹⁾

(Action for annulment — Internal market in natural gas — Directive 2009/73/EC — Commission decision amending the conditions for exemption from the EU requirements of the rules governing operation of the OPAL pipeline in regard to third-party access and tariff regulation — Lack of direct concern — Inadmissibility)

(2018/C 052/41)

Language of the case: Polish

Parties

Applicant: PGNiG Supply & Trading GmbH (Munich, Germany) (represented by: M. Jezewski, lawyer)

Defendant: European Commission (represented by: O. Beynet and K. Herrmann, acting as Agents)

Re:

Action based on Article 263 TFEU and seeking annulment of Commission Decision C(2016) 6950 final of 28 October 2016 on the review of the conditions for exemption of the OPAL pipeline, granted under Directive 2003/55/EC, from the rules on third-party access and tariff regulation.

Operative part of the order

1. *The action is dismissed as being inadmissible.*
2. *There is no longer any need to adjudicate on the applications to intervene.*
3. *PGNiG Supply & Trading GmbH shall bear its own costs and pay those of the European Commission, including the costs relating to the interlocutory proceedings.*
4. *The Federal Republic of Germany shall bear its own costs relating to the interlocutory proceedings.*