

GENERAL COURT

Judgment of the General Court of 6 December 2018 — Coveris Rigid France v Commission

(Case T-531/15) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — Retail food packaging market — Decision finding an infringement of Article 101 TFEU — Principle of personal liability — No economic continuity — Equal treatment)

(2019/C 65/39)

Language of the case: English

Parties

Applicant: Coveris Rigid France, formerly Coveris Rigid (Auneau) France (Auneau, France) (represented by: H. Meyer-Lindemann, C. Graf York von Wartenburg and L. Stammwitz, lawyers)

Defendant: European Commission (represented by: A. Biolan, F. Jimeno Fernández and L. Wildpanner, acting as Agents)

Re:

Application under Article 263 TFEU for annulment of Commission decision C(2015) 4336 final of 24 June 2015 relating to a proceeding under Article 101 TFEU and Article 53 of the EEA Agreement (Case AT.39563 — Retail food packaging) in so far as it applies to the applicant.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Coveris Rigid France to pay the costs.

⁽¹⁾ OJ C 406, 7.12.2015.

Judgment of the General Court of 6 December 2018 — Tomasz Kawalko Trofeum v EUIPO — Ferrero (KINDERPRAMS)

(Case T-115/18) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for EU word mark KINDERPRAMS — Earlier national figurative marks Kinder — Relative ground for refusal — Likelihood of confusion — Identity or similarity of the goods and services — Similarity of the signs — Article 8(1)(b) of Regulation (EU) 2017/1001)

(2019/C 65/40)

Language of the case: English

Parties

Applicant: Tomasz Kawalko Trofeum (Gdynia, Poland) (represented by: P. Moksa, lawyer)

Defendant: European Union Intellectual Property Office (represented by: S. Bonne and H. O'Neill, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Ferrero SpA (Alba, Italy) (represented by: F. Jacobacci and L. Ghedina, lawyers)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 14 December 2017 (Case R 1112/2017-4), relating to opposition proceedings between Ferrero and Tomasz Kawałko Trofeum.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Tomasz Kawałko Trofeum to pay the costs.

⁽¹⁾ OJ C 161, 7.5.2018.

Order of the General Court of 14 December 2018 — GM and Others v Commission

(Case T-539/16) ⁽¹⁾

(Civil service — Officials — Reform of the Staff Regulations — Regulation (EU, Euratom) No 1023/2013 — Types of posts — Transitional measures relating to classification in the types of posts — Article 31 of Annex XIII to the Staff Regulations — Assistants in transition — Promotion pursuant to Article 45 of the Staff Regulations authorised only within the career streams corresponding to the type of post held — Exclusion of AST 9 officials from the promotion procedure — No act having an adverse effect — Confirmatory measure — Lis pendens — Manifest inadmissibility — Article 129 of the Rules of Procedure — Objection of inadmissibility — Article 130 of the Rules of Procedure)

(2019/C 65/41)

Language of the case: French

Parties

Applicants: GM, GN, GO and GP (represented by: T. Bontinck and A. Guillerme, lawyers)

Defendant: European Commission (represented initially by: J. Currall and G. Gattinara, subsequently by C. Berardis-Kayser and G. Gattinara, and finally by G. Berscheid and G. Gattinara, acting as Agents)

Re:

Action under Article 270 TFEU seeking annulment of the decisions of the Commission by which the appointing authority of that institution classified the applicants as holding the post of 'Assistant in transition', resulting in the loss, with effect from 1 January 2014, of their eligibility for promotion to the next higher grade.

Operative part of the order

1. The action is dismissed as being manifestly inadmissible.
2. The European Commission shall bear its own costs and pay half of the costs incurred by GM, GN, GO and GP.
3. GM, GN, GO and GP shall bear half of their own costs.
4. The European Parliament and the Council of the European Union shall bear their own costs relating to their respective applications for leave to intervene.

⁽¹⁾ OJ C 96, 23.3.2015 (case initially registered before the European Union Civil Service Tribunal under Case No F-16/15 and transferred to the General Court of the European Union on 1.9.2016).