

GENERAL COURT

Judgment of the General Court of 21 June 2023 — UG v Commission

(Case T-571/17 RENV) ⁽¹⁾

(Civil service — Contract staff — Contract of indefinite duration — Termination of contract — Article 47(c)(i) of the CEOS — Incompetence — Conduct in the service and attitude at work incompatible with the interests of the service — Obligation to state reasons — Right to be heard — Entitlement to parental leave — Article 42a of the Staff Regulations — Application of the minimum requirements of Directives 2010/18/EU and 2002/14/EC to officials and other servants of the European Union — Articles 27, 30 and 33 of the Charter of Fundamental Rights — Workers' right to information and consultation — Article 24b of the Staff Regulations — Manifest error of assessment — Protection in the event of unjustified dismissal — Indirect challenge to definitive acts — Inadmissibility — Principle of proportionality — Misuse of powers — Liability)

(2023/C 271/31)

Language of the case: French

Parties

Applicant: UG (represented by: M. Richard, lawyer)

Defendant: European Commission (represented by: L. Radu-Bouyon, acting as Agent)

Re:

By her action under Article 270 TFEU, the applicant seeks, in essence, first, the annulment of the decision of 17 October 2016 by which the European Commission terminated her contract as a member of the contract staff and, secondly, compensation for the material and non-material harm she claims to have suffered as a result of that decision.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders UG and the European Commission to bear their own costs in the cases registered under numbers T-571/17 and C-249/20 P;
3. Orders UG to bear her own costs and to pay a third of the costs incurred by the Commission in the case registered under the number T-571/17 RENV.

⁽¹⁾ OJ C 357, 23.10.2017.

Judgment of the General Court of 14 June 2023 — Stone Brewing v EUIPO — Molson Coors Brewing Company (UK) (STONE BREWING)

(Case T-200/20) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for EU word mark STONE BREWING — Earlier EU word mark STONES — Relative ground for refusal — Genuine use of the earlier mark — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 (now Article 8(1)(b) of Regulation (EU) 2017/1001))

(2023/C 271/32)

Language of the case: English

Parties

Applicant: Stone Brewing Co. LLC (Escondido, California, United States) (represented by: M. Kloth, R. Briske and D. Habel, lawyers)

Defendant: European Union Intellectual Property Office (represented by: D. Hanf, acting as Agent)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Molson Coors Brewing Company (UK) Ltd (Burton Upon Trent, United Kingdom) (represented by G. Orchison, Solicitor, and J. Abrahams KC)

Re:

By its action under Article 263 TFEU, the applicant seeks the annulment of the decision of the Fourth Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 31 January 2020 (Case R 1524/2018-4).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Stone Brewing Co. LLC to bear its own costs and to pay the costs incurred by Molson Coors Brewing Company (UK) Ltd;
3. Orders the European Union Intellectual Property Office (EUIPO) to bear its own costs.

⁽¹⁾ OJ C 201, 15.6.2020.

Judgment of the General Court of 14 June 2023 — Polwax v Commission

(Case T-585/20) ⁽¹⁾

(Competition — Concentrations — Upstream market for slack wax — Downstream market for paraffin waxes — Decision declaring the concentration compatible with the internal market and the EEA Agreement — Absence of commitment to supply slack wax — Vertical effects — Foreclosure of the input market)

(2023/C 271/33)

Language of the case: Polish

Parties

Applicant: Polwax S.A. (Jasło, Poland) (represented by: E. Nessmann and G. Duda, lawyers)

Defendant: European Commission (represented by: N. Khan, G. Meessen and J. Szczodrowski, acting as Agents)

Intervener in support of the defendant: Polski Koncern Naftowy Orlen S.A. (Płock, Poland) (represented by: M. Mataczyński, lawyer)

Re:

By its action under Article 263 TFEU, the applicant seeks the annulment of the Commission Decision of 14 July 2020 (case M.9014), adopted under Article 8(2) of Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (OJ 2004 L 24, p. 1), by which the European Commission declared a concentration between Polski Koncern Naftowy Orlen S.A. ('Orlen') and Grupa Lotos S.A. to be compatible with the internal market and with Article 57 of the Agreement on the European Economic Area (EEA), subject to Orlen's compliance with certain commitments.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Polwax S.A. to pay the costs.

⁽¹⁾ OJ C 399, 23.11.2020.