

Judgment of the General Court of 9 November 2022 — WP and Others v Commission(Case T-604/21) ⁽¹⁾

(Civil service — Members of the contract staff — Pensions — Pension rights acquired before entry into the service of the EU — Transfer to the EU scheme — Additional years of pensionable service — Application for restitution of the amount of transferred national pension rights — Dismissal of application — ‘Minimum subsistence figure’ rule — Undue enrichment — Equal treatment)

(2023/C 7/36)

Language of the case: French

Parties

Applicants: WP, WQ, WR (represented by: N. de Montigny, lawyer)

Defendant: European Commission (represented by: B. Mongin and M. Brauhoff, acting as Agents)

Re:

By their action under Article 270 TFEU, the applicants, as successors in title to A, seek annulment of the decision of the Office for Administration and Payment of Individual Entitlements (PMO) of the European Commission of 16 November 2020 dismissing the application for restitution of the national pension rights acquired by A before his death and transferred to the pension scheme of the EU institutions and annulment of Commission Decision of 15 June 2021 rejecting the complaint lodged by A under Article 90 of the Staff Regulations of Officials of the European Union.

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders WP, WQ and WR to bear the costs.

⁽¹⁾ OJ C 452, 8.11.2021.

Judgment of the General Court of 26 October 2022 — Lemken v EUIPO (shade of sky blue)(Case T-621/21) ⁽¹⁾

(EU trade mark — Application for an EU trade mark consisting of a shade of sky blue — Absolute grounds for refusal — No descriptive character — Article 7(1)(b) of Regulation (EU) 2017/1001 — No distinctive character acquired through use — Article 7(3) of Regulation 2017/1001)

(2023/C 7/37)

Language of the case: German

Parties

Applicant: Lemken GmbH & Co. KG (Alpen, Germany) (represented by: I. Kuschel and W. von der Osten-Sacken, lawyers)

Defendant: European Union Intellectual Property Office (represented by: T. Klee and E. Markakis, acting as Agents)

Re:

By its action under Article 263 TFEU, the applicant seeks annulment of the decision of the First Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 15 July 2021 (Case: R 2037/2020-1).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Lemken GmbH & Co. KG to pay the costs.

(¹) OJ C 462, 15.11.2021.

Judgment of the General Court of 26 October 2022 — Siremar v Commission

(Case T-668/21) (¹)

(State aid — Maritime transport — Rescue aid — Decision declaring the aid unlawful — Decision declaring the aid in part compatible and in part incompatible with the internal market and ordering its recovery — Service of general economic interest — Obligation to submit a restructuring or liquidation plan — Six-month time limit — Extension — Tax exemption — Advantage — Effect on trade between Member States — Adverse effect on competition — Length of proceedings — Legitimate expectations — Legal certainty — Principle of sound administration)

(2023/C 7/38)

Language of the case: Italian

Parties

Applicant: Sicilia Regionale Marittima SpA — Siremar (Rome, Italy) (represented by: B. Nascimbene, F. Rossi Dal Pozzo and A. Moriconi, lawyers)

Defendant: European Commission (represented by: G. Braga da Cruz, C.-M. Carrega and D. Recchia, Agents)

Re:

By its action under Article 263 TFEU, the applicant seeks annulment in part of Commission Decision C(2021) 4268 final of 17 June 2021 on the measures SA.32014, SA.32015, SA.32016 (2011/C) (ex 2011/NN) implemented by Italy for Siremar and its acquirer Società Navigazione Siciliana (SNS).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Sicilia Regionale Marittima SpA to pay the costs.

(¹) OJ C 2, 3.1.2022.