

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

*Interveners in support of the defendant:* European Parliament (represented by: J. Van Pottelberge and M. Windisch, acting as Agents), Council of the European Union (represented by: M. Bauer and I. Demoulin, acting as Agents)

**Re:**

By her action under Article 270 TFEU the applicant seeks, in essence, principally, first, annulment of the decision of the European Commission of 24 February 2022 rejecting her complaint in so far as it concerns the annulment of the notification of 13 January 2017 on the determination of her retirement pension rights and, second, referral of her case to the authority empowered to conclude contracts of employment of the Commission to determine the amount to repay her and, in the alternative, an order requiring the Commission to pay a sum of EUR 55 401,07 on the ground of unjust enrichment.

**Operative part of the order**

1. The action is dismissed as being manifestly inadmissible.
2. Ms Christiane Kremer is ordered to bear her own costs and to pay those of the European Commission.
3. The European Parliament and the Council of the European Union are to bear their own costs.

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(<sup>1</sup>) OJ C 158, 11.4.2022.

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**Order of the General Court of 14 December 2022 — Baert v Commission**

(Case T-111/22) (<sup>1</sup>)

*(Civil service — Retirement pension — Pension rights acquired before entry into the service of the European Union — Transfer to the EU scheme — Crediting of additional years of pensionable service — Action for annulment — Request for repayment of transferred capital which has not given rise to a crediting of additional years — Time limit for complaints — Unjust enrichment — Manifest inadmissibility)*

(2023/C 63/67)

*Language of the case: French*

**Parties**

*Applicant:* Rhonny Baert (Deinze, Belgium) (represented by: D. Grisay and A. Ansay, lawyers)

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

*Interveners in support of the defendant:* European Parliament (represented by: J. Van Pottelberge and M. Windisch, acting as Agents), Council of the European Union (represented by: M. Bauer and I. Demoulin, acting as Agents)

**Re:**

By his action under Article 270 TFEU, the applicant seeks, in essence, principally, first, annulment of the alleged implicit decision of the European Commission of 28 February 2022 rejecting his complaint in so far as it concerns annulment of the notification of 21 December 2016 on the determination of his retirement pension rights and, second, referral of his case to the appointing authority of the Commission to determine the amount to repay him and, in the alternative, an order requiring the Commission to pay a sum of EUR 31 066,80, on the ground of unjust enrichment.

**Operative part of the order**

1. The action is dismissed as being manifestly inadmissible.
2. Mr Rhonny Baert is ordered to bear his own costs and to pay those of the European Commission.

3. The European Parliament and the Council of the European Union are to bear their own costs.

(<sup>1</sup>) OJ C 158, 11.4.2022.

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**Order of the President of the General Court of 24 November 2022 — Belavia v Council**

**(Case T-116/22 R)**

***(Interim relief — Common foreign and security policy — Restrictive measures in view of the situation in Belarus — Application for suspension of operation of a measure — Lack of urgency)***

(2023/C 63/68)

*Language of the case: English*

**Parties**

*Applicant:* Belavia — Belarusian Airlines AAT (Minsk, Belarus) (represented by: N. Tuominen and L. Engelen, lawyers)

*Defendant:* Council of the European Union (represented by: A. Boggio-Tomasaz and A. Antoniadis, acting as Agents)

**Re:**

By its application based on Articles 278 and 279 TFEU, the applicant seeks, in essence, the suspension of operation of Council Implementing Decision (CFSP) 2021/2125 of 2 December 2021 implementing Decision 2012/642/CFSP concerning restrictive measures in view of the situation in Belarus (OJ 2021 L 430 I, p. 16) and Council Implementing Regulation (EU) 2021/2124 of 2 December 2021 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus (OJ 2021 L 430 I, p. 1), in so far as they concern the applicant.

**Operative part of the order**

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

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**Order of the General Court of 21 December 2022 — Suicha v EUIPO — Michael Kors (Switzerland) International (MK MARKTOMI MARKTOMI)**

**(Case T-264/22) (<sup>1</sup>)**

***(EU trade mark — Invalidity proceedings — EU figurative mark MK MARKTOMI — Earlier EU figurative mark MK MICHAEL KORS — Relative ground for invalidity — Likelihood of confusion — Article 8(1)(b) and Article 60(1)(a) of Regulation (EU) 2017/1001 — Action manifestly lacking any foundation in law)***

(2023/C 63/69)

*Language of the case: English*

**Parties**

*Applicant:* Lin Suicha (Wenxi, China) (represented by: J. Donoso Romero, lawyer)

*Defendant:* European Union Intellectual Property Office (represented by: D. Gája and I. Stoycheva, acting as Agents)

*Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court:* Michael Kors (Switzerland) International GmbH (Manno, Switzerland) (represented by: J. van Manen, E. van Gelderen and L. Fresco, lawyers)