

## COURT OF FIRST INSTANCE

## JUDGMENT OF THE COURT OF FIRST INSTANCE

of 23 January 2003

**in Case T-53/00: Serena Angioli v Commission of the European Communities** <sup>(1)</sup>

*(Officials — Action for annulment — Internal competition for the establishment of members of the temporary staff — Non-inclusion on the list of suitable candidates — Confidentiality of the work of the selection board)*

(2003/C 70/31)

*(Language of the case: French)*

In Case T-53/00: Serena Angioli, residing in Brussels, represented by G. Vandersanden and L. Levi, avocats, with an address for service in Luxembourg, against Commission of the European Communities (Agent: C. Berardis-Kayser) — application for annulment of the Commission's decision of 28 May 1999 not to include the applicant on the list of suitable candidates in Internal Competition COM/TA/2/98 for the establishment of members of the temporary staff, and for annulment of all subsequent measures taken by the selection board for the competition and by the appointing authority — the Court of First Instance (Fifth Chamber), composed of: R. García-Valdecasas, President, P. Lindh and J. D. Cooke, Judges; J. Palacio González, Principal Administrator, for the Registrar, has given a judgment on 23 January 2003, the operative part of which is as follows:

1. *The application is dismissed;*
2. *The parties shall bear their own costs.*

<sup>(1)</sup> OJ C 135 of 13.5.00.

## JUDGMENT OF THE COURT OF FIRST INSTANCE

of 15 January 2003

**In Joined Cases T-377/00, T-379/00, T-380/00, T-260/01 and T-272/01: Philip Morris International Inc. and Others v Commission of the European Communities** <sup>(1)</sup>

*(Decision to bring legal proceedings before a court in a non-Member State — Action for annulment — Concept of decision for the purposes of the fourth paragraph of Article 230 EC — Admissibility)*

(2003/C 70/32)

*(Language of the case: English)*

In Joined Cases T-377/00, T-379/00, T-380/00, T-260/01 and T-272/01, Philip Morris International, Inc., established in Rye Brook, New York (United States), represented by É. Morgan de Rivery and J. Derenne, lawyers, with an address for service in Luxembourg, applicant in Cases T-377/00 and T-272/01, R. J. Reynolds Tobacco Holdings, Inc., established in Winston-Salem, North Carolina (United States), RJR Acquisition Corp., established in Wilmington, New Castle, Delaware (United States), R. J. Reynolds Tobacco Company, established in Jersey City, New Jersey (United States), R. J. Reynolds Tobacco International, Inc., established in Dover, Kent, Delaware (United States), represented by P. Lomas, Solicitor, and O. Brouwer, Lawyer, with an address for service in Luxembourg, applicants in Cases T-379/00 and T-260/01, Japan Tobacco, Inc., established in Tokyo (Japan), represented by P. Lomas, Solicitor, and O. Brouwer, Lawyer, with an address for service in Luxembourg, against in Case T-380/00, v Commission of the European Communities (Agents: initially X. Lewis and C. Ladenburger, and, subsequently, C. Docksey and Ladenburger), supported by European Parliament (Agents: R. Passos and A. Baas), Kingdom of Spain (Agent: R. Silva de Lapuerta), French Republic (Agent: G. de Bergues), Italian Republic (Agent: U. Leanza), Portuguese Republic (Agents: L. Fernandes and Â. Cortesão de Seíça Neves), Republic of Finland (Agents: T. Pynnä and E. Bygglin), in Cases T-377/00, T-379/00, T-380/00, T-260/01 and T-272/01, Federal Republic of Germany (Agents: W.-D. Plessing and M. Lumma), Hellenic Republic (Agent: V. Kontolaimos), in Cases T-260/01 and T-272/01, Kingdom of the Netherlands (Agents: in Cases T-260/01 and T-272/01, H. Sevenster and, in Case T-379/00, Sevenster and J. van Bakel): Applications for annulment of two decisions by the Commission to commence legal proceedings against the applicants before a federal court in the United

States of America, the Court of First Instance (Second Chamber, Extended Composition), composed of: R. M. Moura Ramos, President, V. Tiili, J. Pirrung, P. Mengozzi and A. W. H. Meij, Judges, Registrar: J. Plingers, Administrator, has given a judgment on 15 January 2003, in which it:

1. *Dismisses the applications as inadmissible;*
2. *Orders the applicants to bear their own costs and, jointly and severally, the costs incurred by the Commission;*
3. *Orders the interveners to bear their own costs.*

(<sup>1</sup>) OJ C 79 of 10.3.2001 and C 3 of 5.1.2002.

#### JUDGMENT OF THE COURT OF FIRST INSTANCE

of 12 December 2002

**in Case T-110/01: Vedral SA v Office for Harmonisation in the Internal Market (trade marks and designs) (OHIM) (<sup>1</sup>)**

**(Community trade mark — Opposition proceedings — Earlier word mark SAINT-HUBERT 41 — Application for a figurative Community mark including the word 'HUBERT' — Relative grounds for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94)**

(2003/C 70/33)

(Language of the case: French)

In Case T-110/01: Vedral SA, a company established in Ludres, France, represented by T. van Innis and G. Glas, Lawyers, with an address for service in Luxembourg, against Office for Harmonisation in the Internal Market (trade marks and designs) (OHIM) (Agent: E. Joly), the other party to the proceedings before the board of appeal of the Office for Harmonisation in the Internal Market (trade marks and designs) being France Distribution, a company established in Emerainville, France — appeal against the decision of the first board of appeal of the Office for Harmonisation in the Internal Market (trade marks and designs) of 9 March 2001 (Case R 127/2000-1) — the Court of First Instance (Fourth Chamber), composed of M. Vilaras, President, and V. Tiili and P. Mengozzi, Judges; D. Christensen, Administrator, for the Registrar, gave a judgment on 12 December 2002, in which it:

1. *Dismissed the action;*
2. *Ordered each party to bear its costs.*

(<sup>1</sup>) OJ C 227 of 11.8.01.

#### JUDGMENT OF THE COURT OF FIRST INSTANCE

of 15 January 2003

**in Case T-171/01: Institut de l'audiovisuel et des télécommunications en Europe (IDATE) v Commission of the European Communities (<sup>1</sup>)**

**(Arbitration clause — Community Trans-European Telecommunications Networks Programme — Contract relating to the organisation of seminars on using Euro-ISDN — Allowable costs)**

(2003/C 70/34)

(Language of the case: French)

In Case T-171/01, Institut de l'audiovisuel et des télécommunications en Europe (IDATE), established in Montpellier (France), represented by H. Calvet, lawyer, with an address for service in Luxembourg, v Commission of the European Communities (Agents: M. Wolfcarius and M. Shotter and J.-L. Fagnart): Application for a declaration by the Court of First Instance that 'allowable costs' payable by the Commission, for the purposes of the contract concluded between the Commission and the applicant in the context of the Trans-European Telecommunications Networks Programme, covers the whole of the costs invoiced by the applicant's subcontractors under that contract and, in the alternative, for compensation for the loss allegedly suffered by the applicant as a consequence of the breaches committed by the Commission in the performance of that contract, the Court of First Instance (Second Chamber), composed of: R. M. Moura Ramos, President, J. Pirrung and A. W. H. Meij, Judges; H. Jung, Registrar, has given a judgment on 15 January 2003, in which it:

1. *Declares that 'allowable costs' payable by the Commission, for the purposes of the contract at issue, covers the whole of the costs invoiced to the applicant by its subcontractors under that contract.*
2. *Orders the Commission to pay the costs.*

(<sup>1</sup>) OJ C 303 of 27.10.2001.