

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 16 March 2004

in Case T-157/01: Danske Busvognmænd v Commission of the European Communities ⁽¹⁾

(State aid — Regional public transport by bus)

(2004/C 106/107)

(Language of the case: Danish)

In Case T-157/01: Danske Busvognmænd, established in Frederiksberg (Denmark), represented by P. Dalskov and N. Symes, lawyers, against the Commission of the European Communities (Agents: H. Støvlbæk and D. Triantafyllou) supported by the Kingdom of Denmark, (Agents: J. Molde, P. Biering and K. Hansen), – application for annulment of Commission decision SG(2001) D/287297 of 28 March 2001 (aid NN 127/2000) declaring aid granted by the Danish authorities to Combus A/S in the form of capital injections as part of the privatisation of that company to be compatible with the common market – the Court of First Instance (Second Chamber, Extended Composition), composed of N.J. Forwood, President, J. Pirrung, P. Mengozzi, A.W.H. Meij and M. Vilaras, Judges; D. Christensen, Administrator, for the Registrar, gave a judgment on 16 March 2004, in which it:

- 1) Annuls Commission decision SG(2001) D/287297 of 28 March 2001 (aid NN 127/2000) in so far as it declares aid granted by the Danish authorities to Combus A/S in the form of capital injections in the amounts of DKK [Y] and DKK [X] to be compatible with the common market;
- 2) Dismisses the remainder of the application;
- 3) Orders the Commission to bear its own costs and pay those of the applicant;
- 4) Orders the Kingdom of Denmark to bear its own costs.

⁽¹⁾ OJ No C 275 of 29.9.01

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 18 March 2004

in Case T-204/01: Maria-Luise Lindorfer v Council of the European Union ⁽¹⁾

(Officials — Transfer of the flat-rate redemption value of retirement pension rights acquired in the course of professional activities prior to entry into the service of the Communities — Calculation of the years of pensionable service —

Article 11(2) of Annex VIII to the Staff Regulations — General implementing provisions — Principle of equal treatment — Free movement of workers)

(2004/C 106/108)

(Language of the case: French)

In Case T-204/01: Maria-Luise Lindorfer, an official of the Council of the European Union, residing in Brussels, represented by G. Vandersanden and L. Levi, avocats, against Council of the European Union (Agents: F. Anton and A. Pilette) – application for annulment of the Council decision of 3 November 2000 calculating the applicant's years of pensionable service following transfer to the Community scheme of the flat-rate redemption value of the retirement pension rights which she had acquired under the Austrian scheme – the Court (Fifth Chamber), composed of: R. García Valdecasas, President, P. Lindh and J.D. Cooke, Judges; J. Plingers, Administrator, for the Registrar, delivered a judgment on 18 March 2004, the operative part of which is as follows:

- (1) *The application is dismissed.*
- (2) *The parties shall bear their own costs.*

⁽¹⁾ OJ C 317 of 10.11.01.

**JUDGMENT OF THE COURT OF FIRST INSTANCE
FOURTH CHAMBER, EXTENDED COMPOSITION**

19 February 2004

In Joined Cases T-297/01 and T-298/01: SIC – Sociedade Independente de Comunicação, SA v Commission of the European Communities ⁽¹⁾

(State aid — Public television — Complaint — Action for failure to act — Definition of position by the Commission — Whether aid new or existing — Request for a ruling that there is no need to adjudicate — Dispute — Compliance with an annulling judgment — Commission's obligation to make an investigation — Reasonable period)

(2004/C 106/109)

(Language of the case: Portuguese)

In Joined Cases T-297/01 and T-298/01, SIC – Sociedade Independente de Comunicação, SA, established in Carnaxide (Portugal), represented by Mes C. Botelho Moniz and E. Maia Cadete, avocats, v Commission of the European Communities (Agents: J. de Sousa Fialho Lopes and J. Buendía Sierra): Application for a declaration under Article 232 EC that the Commission has failed to fulfil its obligations under the EC Treaty, by failing to adopt a decision in relation to the complaints lodged by the applicant on 30 July 1993, 22 October 1996 and 20 June 1997, against the Portuguese Republic for infringement of

Article 87 EC, and by failing, in contravention of Article 232 EC and the principle of sound administration, to take the measures to comply with the judgment of the Court of First Instance in Case T-46/97 [2000] ECR II-2125 and initiate the formal review procedure under Article 88(2) EC, the Court of First Instance (Fourth Chamber, Extended Composition), composed of V. Tiili, President, J. Pirrung, P. Mengozzi, A.W.H. Meij and M Vilaras, Judges; D. Christensen, Administrator, for the Registrar, has given a judgment on 19 February 2004, in which it:

1. Declares that there is no need to adjudicate on Cases T-297/01 and T-298/01.

2. Orders the Commission to pay the costs.

(¹) OJ C 84 of 06.04.2002.

JUDGMENT OF THE COURT OF FIRST INSTANCE OF

31 March 2004

in Case T-20/02: Interquell GmbH v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (¹)

(‘Community trade mark — Application for Community figurative and word mark HAPPY DOG — Earlier national word mark HAPPIDOG — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94’)

(2004/C 106/110)

(Language of the case: German)

In Case T-20/02: Interquell GmbH, established in Wehringen (Germany), represented by G.J. Hodapp, lawyer, against the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (Agents: G. Schneider and U. Pflighar), supported by Provimi Ltd, established in Staffordshire (United Kingdom), represented by M. Kinkeldey, lawyer, the other party to the proceedings before the Board of Appeal of OHIM, intervening before the Court of First Instance, being SCA Nutrition Ltd, established in Staffordshire, represented by M. Kinkeldey — action brought against the decision of the Second Board of Appeal of OHIM of 27 November 2001 (Case R 264/2000-2) relating to opposition proceedings between Interquell GmbH and SCA Nutrition Ltd, the Court of First Instance (Fourth Chamber), composed of H. Legal, President, V. Tiili and M. Vilaras, Judges; Registrar: I. Natsinas, Administrator, gave a judgment on 31 March 2004, in which it:

1. Dismisses the action;
2. Orders the applicant to bear its own costs and to pay those incurred by the Office for Harmonisation in the Internal Market (Trade Marks and Designs) and SCA Nutrition Ltd;
3. Orders Provimi to bear its own costs

(¹) OJ 2002 C 109.

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 18 March 2004

in Case T-67/02: Léopold Radauer v Council of the European Union (¹)

(Officials — Transfer of the flat-rate redemption value of retirement pension rights acquired in the course of professional activities prior to entry into the service of the Communities — Calculation of the years of pensionable service — Article 11(2) of Annex VIII to the Staff Regulations — General implementing provisions — Principle of equal treatment — Free movement of workers)

(2004/C 106/111)

(Language of the case: French)

In Case T-67/02: Léopold Radauer, an official of the Council of the European Union, residing in Brussels, represented by G. Vandersanden and L. Levi, avocats, against Council of the European Union (Agent: F. Anton) — application for annulment of the Council decision of 17 April 2001 calculating the applicant's years of pensionable service following transfer to the Community scheme of the flat-rate redemption value of the retirement pension rights which he had acquired under the Austrian scheme — the Court (Fifth Chamber), composed of: R. García Valdecasas, President, P. Lindh and J.D. Cooke, Judges; J. Plingers, Administrator, for the Registrar, delivered a judgment on 18 March 2004, the operative part of which is as follows:

- (1) The application is dismissed.
- (2) The parties shall bear their own costs.

(¹) OJ C 97 of 20.04.02.