

**Order of the Court of First Instance of 19 September 2005**  
**— Aseprofar and Edifa v Commission**

(Case T-247/04) <sup>(1)</sup>

*(Action for annulment — Admissibility — Challengeable act — Failure to bring an action for failure to fulfil obligations — Notification 2002/C 244/03)*

(2005/C 296/51)

*Language of the case: Spanish*

**Parties**

*Applicant(s):* Asociación de exportadores españoles de productos farmacéuticos (Aseprofar) and Española de desarrollo e impulso farmacéutico, SA (Edifa) (Madrid, Spain) (represented by: L. Ortiz Blanco, lawyer).

*Defendant(s):* Commission of the European Communities (represented by: G. Valero Jordana, Agent).

**Application for**

Annulment of the Commission's decision of 30 March 2004 to take no further action in respect of complaint P/2002/4609 and of the Commission's decision of 30 March 2004 to take no further action in respect of complaint P/2003/5119, as regards Article 29 EC.

**Operative part of the Order**

1. *The action is dismissed as inadmissible.*
2. *Asociación de exportadores españoles de productos farmacéuticos and Española de desarrollo e impulso farmacéutico, SA are ordered to pay the costs.*

<sup>(1)</sup> OJ C 217 of 28.08.2004.

**Order of the Court of First Instance of 8 September 2005**  
**— Lorte and Others v Council**

(Case T-287/04) <sup>(1)</sup>

*(Action for annulment — Regulations (EC) No 864/2004 and No 865/2004 — Support scheme in the olive oil sector — Natural and legal persons — Not of individual concern — Inadmissibility)*

(2005/C 296/52)

*Language of the case: Spanish.*

**Parties**

*Applicant(s):* Lorte, SL (Seville, Spain), Oleo Unión, Federación empresarial de organizaciones de productores de aceite de oliva

(Seville, Spain), Unión de organizaciones de productores de aceite de oliva (Unaproliva) (Jaén, Spain), (represented by: R. Illescas Ortiz, lawyer)

*Defendant(s):* Council of the European Union (represented by: M. Balta and F. Florindo Gijón, Agents)

**Application for**

Annulment of Council Regulation (EC) No 864/2004 of 29 April 2004 amending Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers, and adapting it by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union (OJ 2004 L 161, p. 48), and of Council Regulation (EC) No 865/2004 of 29 April 2004 on the common organisation of the market in olive oil and table olives and amending Regulation (EEC) No 827/68 (OJ 2004 L 161, p. 97).

**Operative part of the Order**

1. *The action is dismissed as inadmissible.*
2. *The applicants must bear their own costs and pay those incurred by the Council.*
3. *There is no need to adjudicate on the Commission's application for leave to intervene.*

<sup>(1)</sup> OJ C 284 of 20.11.2004.

**Order of the Court of First Instance of 8 September 2005**  
**— ASAJA and Others v Council**

(Joined Cases T-295/04 to T-297/04) <sup>(1)</sup>

*(Action for annulment — Regulation (EC) No 864/2004 — Support scheme in the olive oil sector — Natural and legal persons — Lack of individual concern — Inadmissibility)*

(2005/C 296/53)

*Language of the case: Spanish*

**Parties**

*Applicant(s):* Centro Provincial de Jóvenes Agricultores de Jaén (ASAJA), Salvador Contreras Gila, José Ramiro López, Antonio Ramiro López, Cristóbal Gallego Martínez, Benito García Burgos and Antonio Rarras Rosa (Jaén, Spain) (represented by: J. Vásquez Medina, lawyer)

*Defendant(s):* Council of the European Union (represented by: M. Balta and F. Florindo Gijón, Agents)

**Application for**

annulment of Article 1(7) of Council Regulation (EC) No 864/2004 of 29 April 2004 amending Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers, and adapting it by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union.

**Operative part of the Order**

1. *The actions are dismissed as inadmissible.*
2. *The applicants will bear their own costs and those of the Council.*
3. *It is not necessary to adjudicate on the application to intervene lodged by the Commission.*

(<sup>1</sup>) OJ C 251, 9.10.2004.

**Order of the President of the Court of First Instance of 20 September 2005 — Deloitte Business Advisory v Commission**

(Case T-195/05 R)

*(Interim measures — Community tendering procedure — Loss of an opportunity — Urgency — Balance of interests)*

(2005/C 296/54)

*Language of the case: Dutch*

**Parties**

*Applicant(s):* Deloitte Business Advisory (Brussels, Belgium) (represented by: D. Van Heuven, S. Ronse and S. Logie, lawyers)

*Defendant(s):* Commission of the European Communities (represented by: L. Pignataro-Nolin and E. Manhaeve, Agents)

**Application for**

interim measures seeking, first, an order suspending the operation of (1) the Commission decision rejecting the tender submitted, inter alia, by the applicant under a call for tenders bearing reference SANCO/2004/01/041 and (2) the decision to award the contract in question to a third party and, secondly, an order prohibiting the Commission (1) from informing the successful tenderer of the decision awarding the contract in

question and (2) from proceeding with signature of the relevant contract, on pain of a periodic penalty payment.

**Operative part of the Order**

1. *The application for interim measures is dismissed;*
2. *Costs are reserved.*

**Action brought on 12 July 2005 — Deutsche Telekom v OHIM**

(Case T-257/05)

(2005/C 296/55)

*Language in which the application was lodged: German*

**Parties**

*Applicant(s):* Deutsche Telekom AG (Bonn, Germany) (represented by: J.-C. Gaedertz, lawyer)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs)

**Forms of order sought**

- The applicant claims that the Court should:
- annul the decision of the Second Board of Appeal of 2 May 2005 in appeal proceedings R 0620/2004-2; re-establish the applicant's rights (*restitutio in integrum*) in accordance with Article 78 of the Community trade mark regulation.

**Pleas in law and main arguments**

*Community trade mark sought:* The word mark 't' for goods and services in Classes 9, 16, 35, 36, 38, 39 and 41 — Registration No 2 893 865.

*Decision of the examiner:* Refusal to register.

*Decision of the Board of Appeal:* Dismissal of the application to re-establish the applicant's rights and dismissal of its appeal.

*Pleas in law:* The refusal to re-establish the applicant's rights in the appeal proceedings is unlawful since it is incorrect that the office organisation of the applicant's lawyers does not satisfy the requirements of Article 78(1) of Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark.