

Judgment of the Court of First Instance of 8 December 2005 — Merladet v Commission

(Case T-198/04) ⁽¹⁾

(Officials — Career development report — 2001/2002 appraisal exercise — Proper conduct of the reporting procedure — Action for annulment)

(2006/C 48/56)

Language of the case: French

Parties

Applicant: José Félix Merladet (Overijse, Belgium) (represented by: N. Lhoëst and E. de Schietere de Lophem, lawyers)

Defendant: Commission of the European Communities (represented by: J. Currall and H. Kraemer, Agents)

Application for

Annulment of the decision adopting the applicant's career development report for the 2001/2002 appraisal exercise

Operative part of the judgment

The Court:

1. Annuls the decision adopting the applicant's career development report for the 2001/2002 appraisal exercise;
2. Orders the Commission to pay the costs.

⁽¹⁾ OJ C 262, 23.10.2004.

Judgment of the Court of First Instance of 14 December 2005 — Regione autonoma della Sardegna v Commission

(Case T-200/04) ⁽¹⁾

(State aid — Measures on the part of the Italian authorities aimed at compensating for the damage caused by ovine catarrhal fever (blue tongue) — Guidelines concerning State aid in the agricultural sector)

(2006/C 48/57)

Language of the case: Italian

Parties

Applicant: Regione autonoma della Sardegna (represented by: D. Dodaro and S. Cianciullo, lawyers)

Defendant: Commission of the European Communities (represented by: V. Di Bucci, Agent)

Application for

Annulment of Commission Decision C(2004) 471 Final of 16 March 2004 concerning the aid scheme which Italy is planning to implement in favour of processing and marketing cooperatives in order to compensate the damage caused by ovine catarrhal fever (blue tongue) (Article 5 of Law No 22 of the Region of Sardinia of 17 November 2000)

Operative part of the judgment

The Court:

1. Dismisses the application;
2. Orders the applicant to pay the costs.

⁽¹⁾ OJ C 217, 28.8.2004.

Judgment of the Court of First Instance of 8 December 2005 — Rounis v Commission

(Case T-274/04) ⁽¹⁾

(Officials — Staff report — Action for annulment — No longer any legal interest in bringing proceedings — No need to adjudicate — Action for damages — Late drawing-up of the staff report)

(2006/C 48/58)

Language of the case: French

Parties

Applicant: Georgios Rounis (Brussels, Belgium) (represented by: E. Boigelot, lawyer)

Defendant: Commission of the European Communities (represented by: G. Berscheid and M. Velardo, Agents)

Application for

Firstly, annulment of the appeal assessor's decision to confirm the applicant's staff reports for the periods 1997/1999 and 1999/2001 and, secondly, damages.

Operative part of the judgment

The Court:

1. Declares that there is no longer any need to adjudicate on the claims for annulment;
2. Orders the Commission to pay the applicant a sum of EUR 3 500;

3. Dismisses the remainder of the action;
4. Orders the Commission to bear its own costs and to pay two thirds of those incurred by the applicant.

(¹) OJ C 262, 21.10.2004.

Judgment of the Court of First Instance of 15 December 2005 — RB Square Holdings Spain v OHIM

(Case T-384/04) (¹)

(Community trade mark — Figurative mark containing the word element ‘clean x’ — Opposition by the proprietor of the earlier national word and figurative marks CLEN — Rejection of the opposition — Article 8(1)(b) of Regulation (EC) No 40/94)

(2006/C 48/59)

Language of the case: French

Parties

Applicant: RB Square Holdings Spain, SL (Granollers, Spain) (represented by: K. Manhaeve, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: S. Pétrequin and A. Rassat, Agents)

Other party to the proceedings before the Board of Appeal of OHIM: Unelko NV (Zingem, Belgium)

Action

brought against the decision of the Fourth Board of Appeal of OHIM of 15 June 2004 (Case R 652/2002-4) relating to opposition proceedings between RB Square Holdings Spain, SL and Unelko NV

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the applicant to pay the costs.

(¹) OJ C 300 of 4.12.2004.

Order of the Court of First Instance of 25 November 2005 — Pérez-Díaz v Commission

(Case T-41/04) (¹)

(Officials — Actions for annulment — Lis alibi pendens — Late submission of the prior complaint through official channels — Application for compensation closely linked to the claims for annulment — Manifest inadmissibility)

(2006/C 48/60)

Language of the case: French

Parties

Applicant: Orlando Pérez-Díaz (Brussels, Belgium) (represented by: M.-A. Lucas, lawyer)

Defendant: Commission of the European Communities (represented by: H. Tserepa-Lacombe and L. Lozano Palacios, Agents)

Application for

Firstly, annulment of the Commission decision of 21 January 2003 not to enter the applicant on the reserve list of temporary agents at the end of selection procedure COM/R/A/01/1999 and, secondly, compensation in respect of the damage allegedly resulting from that decision.

Operative part of the Order

1. The action is dismissed as inadmissible;
2. Each party shall bear its own costs.

(¹) OJ C 94, 17.4.2004.

Order of the Court of First Instance of 8 December 2005 — Just v Commission

(Case T-91/04) (¹)

(Officials — Open competition — Multiple-choice questions — Accuracy of the answers on the correction form — Action manifestly unfounded in law)

(2006/C 48/61)

Language of the case: German

Parties

Applicant: Alexander Just (Hoeilaart, Belgium) (represented by: G. Lebitsch, lawyer)

Defendant: Commission of the European Communities (represented by: H. Krämer, assisted by B. Wägenbaur, lawyer)