

Judgment of the Court of First Instance of 5 December 2006 — Angelidis v Parliament

(Case T-424/04) ⁽¹⁾

(Officials — Staff report — Action for annulment — No consultation of the previous immediate superior — Statement of reasons — Action for compensation — Late establishment — Non-material damage — Admissibility)

(2006/C 331/83)

Language of the case: French

Parties

Applicant: Angel Angelidis (Luxembourg, Luxembourg) (represented by: É. Boigelot, lawyer)

Defendant: European Parliament (represented by: M. Mustapha Pacha and J. de Wachter, Agents)

Re:

In the first place, annulment of the staff report relating to the applicant, an official in Grade A 3 of the European Parliament, for the period from 1 January 2002 to 31 December 2002 and, second, application for compensation in respect of the harm allegedly suffered by reason both of the alleged irregularities in the disputed staff report and of its allegedly late establishment

Operative part of the judgment

The Court:

1. Dismisses the application;
2. Orders each party to bear its own costs.

⁽¹⁾ OJ C 314, 18.12.2004.

Judgment of the Court of First Instance of 12 December 2006 — Commission v Parthenon

(Case T-7/05) ⁽¹⁾

(Arbitration clause — Fourth framework programme of activities in the field of research and technological development and demonstration — Recovery of sums advanced)

(2006/C 331/84)

Language of the case: Greek

Parties

Applicant: Commission of the European Communities (represented by: D. Triantafyllou, Agent, assisted by N. Korogiannakis, lawyer)

Defendant: Parthenon AE Ikodomikon — Tekhnikon — Touristikon — Viomikhanikon — Emporikon kai Exagogikon Ergasion (Aigio, Greece) (represented by: A. Masoulas, lawyer)

Re:

Action brought pursuant to Article 238 EC for the recovery of sums advanced within the framework of Contract FAIR-CT98-9544, terminated by the Commission for failure by the defendant to perform its contractual obligations.

Operative part of the judgment

The Court:

1. Orders the defendant, Parthenon AE Ikodomikon — Tekhnikon — Touristikon — Viomikhanikon — Emporikon kai Exagogikon Ergasion, to pay to the Commission the sum of EUR 154 383,53, plus interest at the rate set by the European Central Bank for main refinancing operations, plus 1.5 percentage points for the period from 31 July to 31 December 2002 and plus 2 percentage points as from 1 January 2003 until full and final discharge;
2. Dismisses the application as to the remainder;
3. Orders the Commission to bear one third of its own costs and to pay one third of the costs of the defendant, and orders the defendant to bear two thirds of its own costs and to pay two thirds of the costs of the Commission.

⁽¹⁾ OJ C 57, 5.3.2005.

Judgment of the Court of First Instance of 29 November 2006 — Agne-Dapper and Others v Commission and Others

(Joined Cases T-35/05, T-61/05, T-107/05, T-108/05 and T-139/05) ⁽¹⁾

(Officials — Pensions — Application of the weighting calculated by reference to the average cost of living in the country of residence — Transitional arrangements set up by the regulation amending the Staff Regulations of Officials from 1 May 2004 — Act adversely affecting an official — Objection of illegality)

(2006/C 331/85)

Language of the case: French

Parties

In Case T-35/05,

Applicants: Elisabeth Agne-Dapper (Schoorl, Netherlands) and the other former officials of the Commission of the European Communities whose names are set out in the annex to the judgment (represented initially by G. Vandersanden, L. Levi and A. Finkelstein, and subsequently by G. Vandersanden and L. Levi)

Defendant: Commission of the European Communities (represented by: V. Joris and H. Tserepa-Lacombe, Agents)

Intervener in support of the defendant: Council of the European Union (represented by: M. Arpio Santacruz and I. Sulce, Agents)

In Case T-61/05,

Applicants: Cornelius Rozemeijer (Alkmaar, Netherlands), Gaston Vaesken (Saint-Mandrier, France) and Pierrette Vaesken (Sanary-sur-Mer, France) (represented initially by G. Vandersanden, L. Levi and A. Finchelstein, and subsequently by G. Vandersanden, L. Levi and C. Ronzi, lawyers)

Defendant: Council of the European Union (represented by: M. Arpio Santacruz and I. Sulce, Agents)

In Case T-107/05,

Applicant: François Muller (Strasbourg, France) (represented initially by G. Vandersanden, L. Levi and A. Finchelstein, and subsequently by G. Vandersanden and L. Levi, lawyers)

Defendant: Court of Auditors of the European Communities (represented by: T. Kennedy, J.-M. Stenier and M. Bavendamm, Agents)

In Case T-108/05,

Applicant: Suzy Frederic-Leemans (Lahas, France) (represented initially by G. Vandersanden, L. Levi and A. Finchelstein, and subsequently by G. Vandersanden and L. Levi, lawyers)

Defendant: European Economic and Social Committee (EESC) (represented by: M. Bermejo Garde and E. Fierro, Agents)

Intervener in support of the defendant: Council of the European Union (represented by: M. Arpio Santacruz and I. Sulce, Agents)

In Case T-139/05,

Applicants: Charlotte Becker (Menton, France), Seamus Killeen (Dublin, Ireland), Robert Payne (Dublin, Ireland), Paul Van Raij (Overveen, Netherlands), Wilhelmus Van Miltenburg (Huizen, Netherlands) and Deirdre Gallagher (Dublin, Ireland) (represented initially by G. Vandersanden, L. Levi and A. Finchelstein, and subsequently by G. Vandersanden and L. Levi, lawyers)

Defendant: European Parliament (represented by: M. Mustapha-Pascha, L. Knudsen and K. Zejdova, Agents)

Intervener in support of the defendant: Council of the European Union (represented by: M. Arpio Santacruz and I. Sulce, Agents)

Re:

In essence, annulment of the applicants' pension statements — and, in one case only, of the payslip of an applicant assigned to non-active status — of May 2004, in so far as those pension statements and payslips apply for the first time a weighting calculated illegally by reference to the cost of living in the applicants' respective countries of residence, and no longer in relation to the cost of living in the capital of each of those countries.

Operative part of the judgment

The Court:

1. Dismisses the actions as inadmissible.
2. Orders each of the parties to bear its own costs.

(¹) OJ C 143, 11.6.2005.

Judgment of the Court of First Instance of 30 November 2006 — Camper v OHIM — JC (BROTHERS by CAMPER)

(Case T-43/05) (¹)

(Community trade mark — Opposition proceedings — Application for Community figurative trade mark BROTHERS by CAMPER — Earlier national figurative trade marks BROTHERS — Inadmissibility — Relative ground for refusal — Article 8(1)(b) of Regulation (EC) No 40/94)

(2006/C 331/86)

Language of the case: English

Parties

Applicant: Camper, SL, (Inca, Spain) (represented by: I. Temiño Cenicerros, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: J. Novais Gonçalves, agent)

Other party to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance: JC AB, (Mölnlycke, Sweden), (represented by P. Hedberg, lawyer)

Re:

Action brought against the decision of the First Chamber of the Board of Appeal of OHIM of 29 November 2004 (Case R 170/2004-1), relating to opposition proceedings between JC AB and Camper SL.

Operative part of the judgment

The Court:

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);
3. Orders the intervener to bear its own costs.

(¹) OJ C 106, 30.4.2005.