

**Re:**

Appeal brought against the Order of the Court of First Instance (First Chamber) of 22 March 2006 in Case T-4/05 *Strack v Commission* by which the Court dismissed as inadmissible an action seeking, first, annulment of OLAF's decision to close an investigation initiated after allegations of fraud made by the appellant, and of the final report of the investigation, and, second, re-initiation of that investigation and the drawing up of a new final report — Meaning of 'act adversely affecting an official' in the Staff Regulations of Officials of the European Communities — Obligation to refer the case to the Civil Service Staff Tribunal

**Operative part of the order**

1. *The appeal is dismissed.*
2. *Mr Strack is ordered to pay the costs.*

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(<sup>1</sup>) OJ C 165, 15.7.2006.

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**Order of the Court of 9 March 2007 — Saiwa SpA v Office for Harmonisation in the Internal Market (Trade Marks and Designs) and Barilla G. and R. Fratelli SpA**

(Case C-245/06 P) (<sup>1</sup>)

*(Appeal — Community trade mark — Article 8(1)(b) of Regulation (EC) No 40/94 — Likelihood of confusion — Application for a figurative mark including the word element 'SELEZIONE ORO Barilla' — Opposition by the holder of the national and international trade mark ORO and the national trade mark ORO SAIWA — Appeal in part manifestly inadmissible and in part manifestly unfounded)*

(2007/C 96/44)

Language of the case: Italian

**Parties**

*Applicant:* Saiwa SpA (represented by: G. Sena, P. Tarchini, J.-P. Karsenty, M. Karsenty-Ricard, avocats)

*Other parties to the proceedings:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: O. Montalto and L. Rampini, Agents), Barilla G. and R Fratelli SpA, formerly Barilla Alimentare SpA (represented by A. Vanzetti, avvocato)

**Re:**

Appeal against the judgment of the Court of First Instance (First Chamber) of 5 April 2006 in Case T-344/03 *Saiwa SpA v OHIM*, by which the Court of First Instance dismissed an action, brought by the applicant for the national and international word mark 'ORO' and the national word mark 'ORO SAIWA' for goods in Class 30, for annulment of Decision R 480/2002-4 of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (OHIM) of 18 July 2003 dismissing the appeal brought against the decision of the Opposition Division which rejected the opposition filed against the application to register a figurative mark including the word elements 'SELEZIONE ORO' and 'Barilla' for goods in Class 30 — Similarity of marks — Infringement of Article 8(1)(b) of Regulation (EC) No 40/94 on the Community trade mark. (OJ 1993 L 11, p. 1)

**Operative part of the order**

1. *The appeal is dismissed.*
2. *Saiwa SpA is ordered to pay the costs.*
3. *Barilla G. and R. Fratelli SpA shall bear its own costs.*

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(<sup>1</sup>) OJ C 178, 29.7.2006.

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**Order of the Court (Fifth Chamber) of 17 April 2007 (reference for a preliminary ruling from the Tribunal du Travail, Verviers (Belgium)) — Mamate El Youssfi v Office National des Pensions (ONP)**

(Case C-276/06) (<sup>1</sup>)

*(Article 104(3), first subparagraph, of the Rules of Procedure — Euro-Mediterranean Agreement EC-Morocco — Article 65 — Principle of non-discrimination in matters of social security — Statutory Guaranteed Income for Elderly Persons)*

(2007/C 96/45)

Language of the case: French

**Referring court**

Tribunal du Travail, Verviers

**Parties**

*Applicant:* Mamate El Youssfi

*Defendant:* Office National des Pensions (ONP)

**Re:**

Reference for a preliminary ruling — Tribunal du Travail de Verviers — Interpretation of Article 41 of the Cooperation Agreement between the EEC and the Kingdom of Morocco, approved by Council Regulation (EEC) No 2211/78 of 26 September 1978 concerning the conclusion of the Cooperation Agreement the European Economic Community and the Kingdom of Morocco (OJ 1978 L 264, p. 1), as amended by Article 65 of the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part (OJ 2000 L 70, p. 2) and Council Regulation (EC) No 859/2003 of 14 May 2003 extending the provisions of Regulation (EEC) No 1408/71 and Regulation (EEC) No 574/72 to nationals of third countries who are not already covered by those provisions solely on the ground of their nationality (OJ 2003 L 124, p. 1) and Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ 2004 L 166, p. 1) — Principle of non discrimination — Refusal to grant statutory guaranteed income to elderly persons to a Moroccan national resident in Belgium

**Operative part of the order**

*The first subparagraph of Article 65(1) of the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part, signed in Brussels on 26 February 1996 and approved on behalf of the Communities by Decision No 2000/204/EC, ECSC of the Council and the Commission of 24 January 2000 must be interpreted as meaning that the host Member State may not refuse to grant the statutory guaranteed income for elderly persons to a Moroccan national who has reached the age of 65 and resides legally in that State as long as she comes within the scope of that provision*

— *either because she herself has been employed in the Member State concerned,*

— *or she is a member of the family of a worker of Moroccan nationality who has been employed in that State.*

(<sup>1</sup>) OJ C 224 of 16.9.2006.

**Order of the Court of 20 March 2007 — Theodoros Kallianos v Commission of the European Communities**

(Case C-323/06 P) (<sup>1</sup>)

**(Appeal — Official — Remuneration — Maintenance payments in the context of divorce proceedings — Deductions from salary)**

(2007/C 96/46)

*Language of the case: French*

**Parties**

*Applicant:* Theodoros Kallianos (represented by: G. Archambeau, avocat)

*Other party to the proceedings:* Commission of the European Communities (represented by: J. Currall and D. Martin, acting as Agents, and D. Waelbroeck, avocat)

**Re:**

Appeal brought against the judgment of the Court of First Instance (Third Chamber) of 17 May 2006 in Case T-93/04 *Kallianos v Commission*, by which the Court of First Instance dismissed, first, the application for annulment of the Commission's decision concerning certain deductions made from the appellant's remuneration in pursuance of interim measures ordered by a Belgian court, and second, the appellant's claim for reimbursement of those sums and for damages — Powers of the European institutions in the context of national divorce proceedings — Methods of communication of divorce decrees and their effectiveness vis-à-vis those institutions

**Operative part of the order**

1. *The appeal is dismissed.*
2. *Mr Kallianos shall pay the costs.*

(<sup>1</sup>) OJ C 224, 16.9.2006.