

**Pleas in law and main arguments**

By judgment of 5 July 2007 delivered in Case F-24/06 *Abarca Montiel and Others v Commission*, the Civil Service Tribunal annulled the decisions by which the Commission fixed the classification and remuneration of the applicants under their contracts as members of the contract staff. The applicants, former salaried employees under Belgian law, were taken on as nursery attendants following a change in the conditions of employment of other servants of the Communities.

The Commission's first plea in support of its appeal alleges an error of law by the Tribunal in so far as it failed to have proper regard for the scope of the principle of equality of treatment in its interpretation of the applicable provisions, in particular with regard to the approach followed by the Commission of including family allowances in the concept of remuneration.

The second plea alleges infringement of the principle that reasons must be stated in so far as the Civil Service Tribunal failed to rule on the concept of remuneration.

---

**Appeal brought on 19 July 2007 by Commission of the European Communities against the judgment of the Civil Service Tribunal delivered on 5 July 2007 in Case F-25/06, *Ider and Others v Commission***

(Case T-361/07 P)

(2007/C 283/59)

*Language of the case: French*

**Parties**

*Appellant:* Commission of the European Communities (represented by: D. Martin and L. Lozano Palacios, Agents)

*Other party to the proceedings:* B. Ider (Halle, Belgium), M.-C. Desorbay (Meise, Belgium) and L. Noschese (Braine-le-Château, Belgium)

**Form of order sought by the appellant**

- Annul the judgment of the Civil Service Tribunal of 5 July 2007 in Case F-25/06;
- refer the case back to the Civil Service Tribunal;

— reserve the costs;

- in the alternative, annul the judgment of the Civil Service Tribunal of 5 July 2007 in Case F-25/06 and, in determining the present case itself, grant the forms of order sought by the defendant at first instance, and therefore, dismiss the action in Case F-25/06; order the defendant in the appeal to pay the costs.

**Pleas in law and main arguments**

By judgment of 5 July 2007 in Case F-25/06, *Ider and Others v Commission*, the Civil Service Tribunal (CST) annulled the decision by which the Commission fixed Ms Ider's remuneration under a contract for a member of the contract staff. The applicants, former salaried employees under Belgian law, were engaged as temporary members of staff entrusted with executive duties following a change to the regime applicable to other servants of the Communities.

The Commission's first plea in support of its appeal alleges an error of law in that the Civil Service Tribunal misconstrued the scope of the principle of equal treatment in its interpretation of the applicable provisions, in particular in relation to the definition used by the Commission to include family allowances in the definition of remuneration.

The second plea alleges breach of the principle of the obligation to state reasons in that the Civil Service Tribunal did not rule on the concept of remuneration.

---

**Action brought on 17 September 2007 — Thomson Sales Europe v Commission**

(Case T-364/07)

(2007/C 283/60)

*Language of the case: French*

**Parties**

*Applicant:* Thomson Sales Europe (Boulogne-Billancourt, France) (represented by: F. Goguel and F. Foucault, lawyers)

*Defendant:* Commission of the European Communities

**Form of order sought**

— Annul the Commission decision of 20 July 2007;

(Case T-365/07)

— Rule that the applicant is entitled to exemption from post-clearance recovery of anti-dumping duties pursuant to Article 220(2)(b) of the Community Customs Code <sup>(1)</sup> and to Article 871 *et seq.* of Regulation No 2454/93 <sup>(2)</sup>.

(2007/C 283/61)

*Language in which the application was lodged: English*

**Pleas in law and main arguments**

By the present action, the applicant seeks annulment of the decision which it claims is contained in a Commission letter of 20 July 2007 stating that the Commission lacks the competence to rule on the applicant's request to the French authorities that it be exempted from post-clearance recovery of duties on the importation of colour television receivers manufactured in Thailand. The applicant's request was forwarded to the Commission by the French authorities as an annex to the application based on Article 239 of the Community Customs Code concerning the remission of import duties <sup>(3)</sup>.

The applicant claims that the Commission was also under an obligation to rule on the application based on Article 220(2)(b) of the Community Customs Code and, by way of a separate letter, requested it to take a decision. In the present action, the applicant contests a decision which it claims is contained in the Commission letter addressed to it in response to its own letter.

The applicant claims that the Commission erred in law by finding that the French authorities had referred the case to it exclusively on the basis of Article 239 of the Community Customs Code, given that, according to the applicant, the documents received by the Commission met the requirements of Article 871 *et seq.* of Regulation No 2454/93. The applicant takes the view that the Commission is under an obligation to examine whether the conditions for application of Article 220(2)(b) of the Community Customs Code were met in this case, particularly in view of the fact that it had decided to reject its request for remission based on Article 239 of the Code.

<sup>(1)</sup> Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ 1992 L 302, p. 1).

<sup>(2)</sup> Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (OJ 1993 L 253, p. 1).

<sup>(3)</sup> Decision of the Commission of 7 May 2007 ruling on that application and indicating to the French authorities that it was not justified in the applicant's case to accord remission of the duties on importation which were the subject of an action for annulment before the Court of First Instance in Case T-225/07 *Thomson Sales Europe v Commission* (notice published in OJ C 211, 8.9.2007, p. 36).

**Action brought on 17 September 2007 — Traxdata France v OHIM — Ritrax (TRAXDATA, TEAM TRAXDATA)****Parties**

*Applicant:* Traxdata France SARL (Paris, France) (represented by: F. Valentin, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Ritrax Corp. Ltd (London, United Kingdom)

**Form of order sought**

— Reverse the decision of 23 May 2007 handed down by the First Board of Appeal of the Office for Harmonisation in the Internal Market in joined cases R 1337/2005-1, R 1338/2005-1, R 1339/2005-1 and R 1340/2005-1 and to accordingly declare the invalidity of TRAXDATA CTMs No 000007393, No 000877779, No 001252725 and TEAM TRAXDATA No 000877910 for all of the products and services listed in classes 9, 16 and 42, on the basis of Article 52(1)(c) of the CTMR of 20 December 1993;

— pronounce the invalidity of TEAM TRAXDATA CTM No 000877910, for the following services listed in class 36: 'financial sponsorship of sports and leisure activities; financial sponsorship of sporting competitions, events and teams; financial sponsorship of sportsmen and sportswomen [...] advice and consultancy services in relation to all the aforesaid services';

— pronounce the invalidity of TRAXDATA CTMs No 000877779 and TEAM TRAXDATA No 000877910, for the following services listed in class 41: 'entertainment and education services; arranging and conducting of conferences, congresses, seminars, symposiums, [...] electronic game services provided by means of the Internet; publishing of books, magazines and periodicals; [...] amusement centre services; [...] rental of video cassettes, audio cassettes, compact discs and cine films; advice and consultancy services relating to all the aforesaid services.'