

COURT OF FIRST INSTANCE

Judgment of the Court of First Instance of 1 April 2009 — Valero Jordana v Commission

(Case T-385/04) ⁽¹⁾

(Staff case — Officials — Action for annulment — Action
for Damages — Promotion — Award of priority points)

(2009/C 113/60)

Language of the case: French

Parties

Applicant: Gregorio Valero Jordana (Brussels, Belgium) (represented by: M. Merola and I. Van Schendel, lawyers)

Defendant: Commission of the European Communities (represented by: V. Joris and C. Berardis-Kayser, Agents, initially, and V. Joris and G. Berscheid, Agents, and D. Waelbroeck, lawyer, subsequently)

Re:

Annulment of:

- the decision of the Director General of the Legal Service of the Commission awarding the applicant only one DG priority point under the 2003 promotion exercise, communicated on 7 July 2003 and confirmed by decision of the appointing authority notified on 16 December 2003;
- the decision of the appointing authority to award the applicant a total of 20 points under the 2003 promotion exercise, notified on 16 December 2003; the merit list of officials in grade A5 under the 2003 promotion exercise, published in Administrative Notices No 6-2003 of 13 November 2003; the list of officials promoted to grade A4 under the 2003 exercise, published in Administrative Notices No 73-2003 of 27 November 2003; and the decision not to enter the applicant's name on those lists;
- the decision of the appointing authority not to grant to the applicant one additional priority point under the 2003 promotion exercise, as follows from the letter of 22 February 2007 and the decision of 17 April 2007; and

damages amounting to EUR 5 000.

Operative part of the judgment

The Court:

1. Annuls the Commission decisions fixing the total promotion points for Mr Gregorio Valero Jordana at 20 points and refusing to enter his name on the list of officials promoted to grade A4 under the 2003 promotion exercise;
2. Dismisses the action as to the remainder;

3. Orders the Commission to pay the costs.

⁽¹⁾ OJ C 284, 20.11.2004.

Judgment of the Court of First Instance of 18 March 2009 — Shanghai Excell M&E Enterprise and Shanghai Adepteck Precision v Council

(Case T-299/05) ⁽¹⁾

(Dumping — Imports of certain electronic weighing scales
originating in China — Market economy status — Article
2(7)(a) and (c), Article 2(10), and Article 11(9) of Regulation
(EC) No 384/96)

(2009/C 113/61)

Language of the case: English

Parties

Applicants: Shanghai Excell M&E Enterprise Co. Ltd (Shanghai, China) and Shanghai Adepteck Precision Co. Ltd (Huaxin Town, China) (represented by: R. MacLean, Solicitor, and E. Gybels, lawyer)

Defendant: Council of the European Union (represented by: J.-P. Hix, acting as Agent, assisted by G. Berrisch, lawyer)

Intervener in support of the defendant: Commission of the European Communities (represented initially by: K. Talabér-Ritz and E. Righini, and subsequently by H. van Vliet and K. Talabér-Ritz, acting as Agents)

Re:

Action for annulment of Articles 1 and 2 of Council Regulation (EC) No 692/2005 of 28 April 2005 amending Regulation (EC) No 2605/2000 imposing definitive anti-dumping duties on imports of certain electronic weighing scales (REWS) originating, inter alia, in the People's Republic of China (OJ 2005 L 112, p. 1).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Shanghai Excell M&E Enterprise Co. Ltd and Shanghai Adepteck Precision Co. Ltd to bear their own costs and to pay those incurred by the Council;
3. Orders the Commission to bear its own costs.

⁽¹⁾ OJ C 257, 15.10.2005.