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(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Order of the Court (Seventh Chamber) of 6 March 2014 — Northern Ireland Department of Agriculture and Rural Development v European Commission

(Case C-248/12 P) ([1])

(Appeal — EAGGF, EAGF and EAFRD — Expenditure excluded from European Union financing — Admissibility of the action for annulment — Situation of the appellant not directly affected by the contested decision)

(2014/C 184/02)

Language of the case: English

Parties

Appellant: Northern Ireland Department of Agriculture and Rural Development (represented by: K. Brown, Solicitor)

Other party to the proceedings: European Commission (represented by: N. Donnelly and P. Rossi, Agents)

Re:

Appeal against the Order of 6 March 2012 in Case T-453/10 *Northern Ireland Department of Agriculture and Rural Development* v *Commission*, by which the General Court (Eighth Chamber) dismissed as inadmissible an action for partial annulment of Commission Decision 2010/399/EU (notified under No C(2010) 4894) of 15 July 2010 excluding from European Union financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF), under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD) (OJ 2010 L 184, p. 6), to the extent that it excludes certain expenditure incurred by the United Kingdom of Great Britain and Northern Ireland

Operative part of the order

1. *Dismisses the appeal;*

2. *Orders the Northern Ireland Department of Agriculture and Rural Development to pay the costs of this appeal.*

([1]) OJ C 200, 7.7.2012.

Order of the Court (Tenth Chamber) of 6 March 2014 (request for a preliminary ruling from the Hof van Beroep te Gent — Belgium) — Bloomsbury NV v Belgische Staat

(Case C-510/12) ([1])

(Article 99 of the Rules of Procedure — Fourth Directive 78/660/EEC — Article 2(3) — Principle of a true and fair view — Article 2(4) — Obligation to inform — Article 2(5) — Obligation to depart from the principle of a true and fair view — Article 32 — Valuation method based on historical cost — Acquisition by a company of an asset free of charge)

(2014/C 184/03)

Language of the case: Dutch

Referring court

Hof van Beroep te Gent

Parties to the main proceedings

Applicant: Bloomsbury NV

Defendant: Belgische Staat

Re:

Request for a preliminary ruling — Hof van Beroep te Gent (Belgium) — Interpretation of Article 2(3), (4) and (5) of Fourth Council Directive 78/660/EEC of 25 July 1978 based on Article 54(3)(g) of the Treaty on the annual accounts of certain types of companies (OJ 1978 L 222, p. 11) — Principle of a true and fair view — Acquisition by a company of an important asset free of charge — Not possible for the company to enter the value of that acquisition in its accounts as a distorted impression would thereby be given of its assets, financial situation and results

Operative part of the order

Paragraphs 3, 4 and 5 of Article 2 of Fourth Council Directive 78/660/EEC of 25 July 1978 based on Article [44(2)(g) EC] on the annual accounts of certain types of companies must be interpreted as meaning that, where a company acquires an important asset free of charge, it is under no obligation to enter that asset in the accounts at its true value.

([1]) OJ C 46, 16.2.2013.

Order of the Court (Seventh Chamber) of 20 March 2014 (request for a preliminary ruling from the Naczelny Sąd Administracyjny — Poland) — Gmina Wrocław v Minister Finansów

(Case C-72/13) ([1])

(VAT — Directive 2006/112/EC — Disposal by a municipality of parts of its assets)

(2014/C 184/04)

Language of the case: Polish

Referring court

Naczelny Sąd Administracyjny

Parties to the main proceedings

Applicant: Gmina Wrocław

Defendant: Minister Finansów

Re:

Request for a preliminary ruling — Naczelny Sąd Administracyjny — Interpretation of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ 2006 L 347, p. 1) — Taxation of the transactions of a municipality — Sale of property acquired by operation of law, by inheritance or by donation — Transfer of such property to companies

Operative part of the order

Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax must be interpreted as not precluding transactions such as those envisaged by the gmina Wrocław (municipality of Wrocław) from being subject to value added tax, in so far as the referring court states that those transactions constitute an economic activity within the meaning of Article 9(1) of that directive and such transactions are not carried out by that municipality as a public authority within the meaning of the first paragraph of Article 13(1) of that directive. However, if those transactions were to be considered to be carried out by that municipality acting as a public authority, the provisions of Directive 2006/112 would not prohibit their taxation to the extent that the referring court should find that their exemption would be capable of giving rise to significant distortions of competition within the meaning of Article 13(2) of that directive.

([1]) OJ C 141, 18.05.2013.

Order of the Court (Tenth Chamber) of 27 March 2014 (request for a preliminary ruling from the Audiencia Provincial de Barcelona — Spain) — Bright Service SA v Repsol Comercial de Produtos Petrolíferos SA

(Case C-142/13) ([1])

(Reference for a preliminary ruling — Article 99 of the Rules of Procedure of the Court of Justice — Agreements, decisions and concerted practices — Article 81 EC — Exclusive purchasing agreement — Exemption — Regulation (EEC) No 1984/83 — Agreement to which the exemption applies — Regulation (EC) No 2790/1999 — Agreement to which the exemption does not apply — Temporal effects of the exemption)

(2014/C 184/05)

Language of the case: Spanish

Referring court

Audiencia Provincial de Barcelona — Spain

Parties to the main proceedings

Applicant: Bright Service SA

Defendant: Repsol Comercial de Produtos Petrolíferos SA

Re:

Request for a preliminary ruling — Audiencia Provincial de Barcelona — Interpretation of Commission Regulation (EEC) No 1984/83 of 22 June 1983 on the application of Article 85(3) of the Treaty to categories of exclusive purchasing agreements (OJ 1983 L 173, p. 5) and Article 3(1) and (5)(a) and Article 12(2) of Commission Regulation (EC) No 2790/1999 of 22 December 1999 on the application of Article 81(3) of the Treaty to categories of vertical agreements and concerted practices (OJ 1999 L 336, p. 21) — Temporal effects — Exclusive distribution agreement for motor-vehicle fuels and other fuels between a supplier and a service station operator — Agreement concluded under Regulation No 1984/83 having effect after the entry into force of Regulation No 2790/1999 — Agreement which does not satisfy the requirements of those two regulations

Operative part of the order

Article 12(2) of Commission Regulation (EC) No 2790/1999 of 22 December 1999 on the application of Article 81(3) of the Treaty to categories of vertical agreements and concerted practices must be interpreted as meaning that a contract — containing a non-compete clause — which was already in force on 31 May 2000 and which satisfies the conditions laid down in Commission Regulation (EEC) No 1984/83 of 22 June 1983 on the application of Article 85(3) of the Treaty to categories of exclusive purchasing agreements, as amended by Commission Regulation (EC) No 1582/97 of 30 July 1997, but which does not satisfy the conditions of Regulation No 2790/1999, is excepted, under Article 12(2), from the scope of Article 81(1) EC only until 31 December 2001.

([1]) OJ C 178, 22. 6. 2013.

Order of the Court (Sixth Chamber) of 13 February 2014 — Marek Marszałkowski v Office for Harmonisation in the Internal Market (Trade Marks and Designs), Mar-Ko Fleischwaren GmbH & Co. KG

(Case C-177/13 P) ([1])

(Appeal — Community trade mark — Regulation (EC) No 40/94 — Article 8(1)(b) — Application for Community figurative mark with the word elements 'Walichnowy' and 'Marko' — Opposition by the proprietor of the Community word MAR-KO — Relative ground for refusal — Likelihood of confusion)

(2014/C 184/06)

Language of the case: Polish

Parties

Appellant: Marek Marszałkowski (represented by: C. Sadkowski, lawyer)

Other parties to the proceedings: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: D. Walicka, acting as Agent), Mar-Ko Fleischwaren GmbH & Co.

Re:

Appeal brought against the judgment of the General Court (First Chamber) of 4 February 2013 in Case T-159/11 *Marszalkowski* v *OHIM — Mar-Ko Fleischwaren (WALICHNOWY MARKO)*, by which the General Court dismissed the action brought against the decision of the Fourth Board of Appeal of OHIM of 11 January 2011 (Case R 760/2010-4) which annulled the decision of the Opposition Division dismissing the opposition brought by the proprietor of the Community word mark 'Mar-Ko' in respect of goods in Class 29 of the Nice Agreement — Infringement of Article 8(1)(b) of Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark (OJ 2009 L 78, p. 1) and Article 48(2) of the Rules of Procedure of the General Court — Relative ground for refusal — Likelihood of confusion

Operative part of the order

1. *The appeal is dismissed.*

2. *Marek Marszałkowski is ordered to pay the costs.*

([1]) OJ C 207, 20. 7. 2013.

Order of the Court (Seventh Chamber) of 27 February 2014 (request for a preliminary ruling from the Commissione tributaria provinciale di Latina (Italy)) — Francesco Acanfora v Equitalia Sud SpA — Agente di Riscossione Latina and Agenzia delle Entrate — Ufficio di Latina

(Case C-181/13) ([1])

(Request for a preliminary ruling — Article 107 TFEU — 'State aid' — National legislation which, in the event that tax is not paid, obliges the taxable person to pay the tax collection agency an amount equal to 9% of the sums entered in the tax roll as remuneration for tax collection activities — Description of the factual context — Lack of description — Manifestly inadmissible)

(2014/C 184/07)

Language of the case: Italian

Referring court

Commissione tributaria provinciale di Latina

Parties to the main proceedings

Applicant: Francesco Acanfora

Defendants: Equitalia Sud SpA — Agente di Riscossione Latina, Agenzia delle Entrate — Ufficio di Latina

Re:

Request for a preliminary ruling — Commissione tributaria provinciale di Latina — Interpretation of Article 107 TFEU — 'State aid' — National legislation which, in the event that the assessment notice is not complied with, obliges the taxable person to pay the tax collection agency an amount equal to 9% of the sums entered in the tax roll as collection fees

Operative part of the order

The request for a preliminary ruling made by the Commissione tributaria provinciale di Latina (Italy) by decision of 5 December 2012 is manifestly inadmissible.

([1]) OJ C 207, 20.07.2013.

Order of the Court (Eighth Chamber) of 27 March 2014 — Polyelectrolyte Producers Group, SNF SAS, Travetanche Injection SPRL v European Commission, Kingdom of the Netherlands

(Case C-199/13 P) ([1])

(Appeal — Article 181 of the Rules of Procedure — Regulation (EC) No 1907/2006 (REACH regulation) — Restrictions on the placing on the market and use of acrylamide — Regulation (EU) No 366/2011 amending Annex XVII of Regulation (EC) No 1907/2006)

(2014/C 184/08)

Language of the case: English

Parties

Appellants: Polyelectrolyte Producers Group, SNF SAS, Travetanche Injection SPRL (represented by: K. Van Maldegem and R. Cana, avocats)

Other parties to the proceedings: European Commission (represented by: E. Manhaeve and P. Oliver, Agents, and by J. Stuyck and A.-M. Vandromme, advocaten), Kingdom of the Netherlands (represented by: M. Bulterman and B. Koopman, Agents)

Re:

Appeal brought against the judgement of the General Court (Seventh Chamber) of 1 February 2013 in Case T-368/11 *Polyelectrolyte Producers Group and Others* v *Commission* wherein the General Court dismissed an action for annulment of Commission Regulation (EU) No 366/2011 of 14 April 2011 amending Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (OJ 2011 L 101, p. 12) insofar as it imposes restrictions on the marketing of acrylamide for grouting applications

Operative part of the order

1. *The appeal is dismissed;*

2. *Polyelectrolyte Producers Group, SNF SAS and Travetanche Injection SPRL shall pay the costs;*

3. *The Kingdom of the Netherlands shall bear its own costs.*

([1]) OJ C 171, 15.6.2013.

Order of the Court (Fourth Chamber) of 3 April 2014 — Lord Inglewood and Others v European Parliament

(Case C-281/13 P) ([1])

(Appeal — Additional pension scheme for Members of the European Parliament — Amendment to the additional pension scheme in 2009 — Decisions rejecting the appellants' applications to benefit from the provisions in force before amendment of the scheme — Errors of law — Legal certainty — Legitimate expectations — Equal treatment — Principle of proportionality)

(2014/C 184/09)

Language of the case: French

Parties

Appellants: Lord Inglewood, Georges Berthu, Guy Bono, David Robert Bowe, Brendan Donnelly, Catherine Guy-Quint, Christine Margaret Oddy, Nicole Thomas-Mauro, Gary Titley, Maartje van Putten, Vincenzo Viola (represented by: S. Orlandi, avocat)

Other party to the proceedings: European Parliament (represented by: M. Windisch and S. Seyr, acting as Agents)

Re:

Appeal brought against the judgment of the General Court (Fourth Chamber) of 13 March 2013 in Joined Cases T-229/11 and T-276/11 *Inglewood and Others* v *Parliament*, by which the General Court dismissed the appellants' action for annulment of the decisions of the European Parliament refusing to grant them their voluntary additional pension, early, at the age of 60 or in part in the form of a lump sum — Errors of law — Infringement of acquired rights — Infringement of the principles of legitimate expectations, legal certainty, equal treatment and proportionality

Operative part of the order

1. *The appeal is dismissed.*

2. *Lord Inglewood, Mr Georges Berthu, Mr Guy Bono, Mr David Robert Bowe, Mr Brendan Donnelly, Ms Catherine Guy-Quint, Ms Christine Margaret Oddy, Ms Nicole Thomas-Mauro, Mr Gary Titley, Ms Maartje van Putten and Mr Vincenzo Viola are ordered to pay the costs.*

([1]) OJ C 226, 03.08.2013.

Order of the Court (Sixth Chamber) of 30 January 2014 — Fercal — Consultadoria e Serviços, Ld[a] v Office for Harmonisation in the Internal Market (Trade Marks and Designs)

(Case C-324/13 P) ([1])

(Appeal — Community trade mark — Word mark PATRICIA ROCHA — Opposition by the proprietor of the national word mark ROCHAS — Refusal to register by the Opposition Division of OHIM — Inadmissibility of the action brought before the Board of Appeal of OHIM)

(2014/C 184/10)

Language of the case: Portuguese

Parties

Appellant: Fercal — Consultadoria e Serviços, Ld[a] (represented by: A. J. Rodrigues, advogado)

Other party to the proceedings: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: V. Melgar, acting as Agent)

Re:

Appeal against the judgment of the General Court (Fifth Chamber) of 10 April 2013 in Case T-360/11 *Fercal — Consultadoria e Serviços* v *OHIM — Parfums Rochas (PATRIZIA ROCHA)* by which the General Court dismissed an action against the decision of the Second Board of Appeal of OHIM of 8 April 2011 (Case R 2355/2010-2), relating to opposition proceedings between Parfums Rochas SAS and Fercal — Consultadoria e Serviços, L*da*

Operative part of the order

1. *The appeal is dismissed.*

2. *Fercal — Consultadoria e Serviços, Lda. is ordered to pay the costs*

([1]) OJ C 260, 07.09.2013.

Order of the Court (First Chamber) of 3 April 2014 (request for a preliminary ruling from the Szombathelyi Törvényszék — Hungary) — Katalin Sebestyén v Zsolt Csaba Kővári, OTP Bank Nyrt., OTP Faktoring Követeléskezelő Zrt, Raiffeisen Bank Zrt

(Case C-342/13) ([1])

(Consumer protection — Directive 93/13/EEC — Contract for a mortgage loan concluded with a bank — Clause providing for the exclusive competence of a single arbitration tribunal — Information on the arbitration procedure provided by the bank at the conclusion of the contract — Unfair terms — Criteria for assessment)

(2014/C 184/11)

Language of the case: Hungarian

Referring court

Szombathelyi Törvényszék

Parties to the main proceedings

Applicant: Katalin Sebestyén

Defendants: Zsolt Csaba Kővári, OTP Bank Nyrt., OTP Faktoring Követeléskezelő Zrt, Raiffeisen Bank Zrt

Re:

Request for a preliminary ruling — Szombathelyi Törvényszék — Interpretation of Article 3(1) of Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts (OJ L 95, p. 29) — Individual having concluded with a bank a contract for a mortgage loan with a clause providing for the exclusive jurisdiction of a body of arbitrators — National legislation providing no right of appeal against arbitration decisions — Explanations concerning the arbitration procedure supplied by the bank at the time the contract was concluded

Operative part of the order

Article 3(1) and (3) of Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts, and point 1(q) of the Annex to that directive, must be interpreted as meaning that it is for the national court concerned to determine whether a clause contained in a mortgage loan contract concluded between a bank and a consumer — vesting exclusive jurisdiction in a permanent arbitration tribunal, against whose decisions there is no judicial remedy under national law, to hear all disputes arising out of that contract — must, having regard to all of the circumstances surrounding the conclusion of that contract, be regarded as unfair under those provisions. In the context of its assessment, the national court must, in particular:

— *verify whether the clause at issue has the object or effect of excluding or hindering the consumer's right to take legal action or exercise any other legal remedy; and*

— *take account of the fact that the communication to the consumer, before the conclusion of the contract at issue, of general information on the differences between the arbitration procedure and ordinary legal proceedings cannot alone rule out the unfairness of that clause.*

If the clause is held to be unfair, it is for that court to draw the appropriate conclusions under national law in order to ensure that the consumer is not bound by that clause.

(1) OJ C 336, 16. 11. 2013.

Order of the Court (Eighth Chamber) of 13 February 2014 (request for a preliminary ruling from the Tribunal Arbitral — Portugal) — Merck Canada Inc. v Accord Healthcare Ltd, Alter SA, Labochem Ltd, Synthon BV, Ranbaxy Portugal — Comércio e Desenvolvimento de Produtos Farmacêuticos, Unipessoal Lda

(Case C-555/13) (1)

(Request for a preliminary ruling — 'Court or tribunal' for the purposes of Article 267 TFEU — Tribunal Arbitral necessário — Admissibility — Regulation (EC) No 469/2009 — Article 13 — Supplementary protection certificate for medicinal products — Period of validity of a certificate — Maximum period of exclusivity)

(2014/C 184/12)

Language of the case: Portuguese

Referring court

Tribunal Arbitral

Parties to the main proceedings

Applicant: Merck Canada Inc.

Defendants: Accord Healthcare Ltd, Alter SA, Labochem Ltd, Synthon BV, Ranbaxy Portugal — Comércio e Desenvolvimento de Produtos Farmacêuticos, Unipessoal Lda

Re:

Request for a preliminary ruling — Tribunal Arbitral — Interpretation of Article 13 of Regulation (EC) No 469/2009 of the European Parliament and of the Council of 6 May 2009 concerning the supplementary protection certificate for medicinal products (Codified version) (OJ 2009 L 152, p. 1) — Duration of the certificate — Exclusivity period exceeding a maximum of 15 years from the first authorisation to be placed on the market of the medicinal product in question in the European Union

Operative part of the order

Article 13 of Regulation (EC) No 469/2009 of the European Parliament and of the Council of 6 May 2009 concerning the supplementary protection certificate for medicinal products, read in conjunction with recital 9 to the same regulation, must be interpreted as meaning that it precludes the holder of both a patent and a supplementary protection certificate from relying on the entire period of validity of such a certificate, calculated in accordance with Article 13, in a situation where, pursuant to such a period, it would enjoy a period of exclusivity as regards an active ingredient, of more than 15 years from the first authorisation to be placed on the market, in the European Union, of a medicinal product consisting of that active ingredient, or containing it.

(1) OJ C 15, 18. 1. 2014.

Request for a preliminary ruling from the Corte suprema di cassazione (Italy) lodged on 5 March 2014 — Ministero delle Politiche Agricole, Alimentari e Forestali v Federazione Italiana Consorzi Agrari and Others

(Case C-104/14)

(2014/C 184/13)

Language of the case: Italian

Referring court

Corte suprema di cassazione

Parties to the main proceedings

Applicant: Ministero delle Politiche Agricole, Alimentari e Forestali

Defendants: Federazione Italiana Consorzi Agrari Soc. coop. a r.l. — Federconsorzi in concordato preventivo Liquidazione Giudiziale dei Beni Ceduti ai Creditori della Federazione Italiana Consorzi Agrari Soc. coop. a r.l.

Questions referred

1. Is the statute-based agreement between the State administrative authorities and groups of agricultural cooperatives (an agreement under which arose a claim that was subsequently assigned to the Consorzi alla Federconsorzi [an association of agricultural cooperatives] and, in turn, to the latter's creditors in the context of insolvency proceedings) for the supply and distribution of agricultural products, as established by Legislative Decree No 169/1948 and Law No 1294/1957, covered by the definition of a commercial transaction, as defined in Article 2 of Directive 2000/35/EC ([1]) and Article 2 of Directive 2011/7/EU? ([2])

2. If the answer to Question 1 is in the affirmative, do the transposition requirements of Directive 2000/35/EC (Article 6 (2)) and Directive 2011/7/EU (Article 12(3)), under which it is possible to maintain in force provisions which are more favourable, mean that it is not possible to alter for the worse, or indeed to exclude, the late-payment interest rate applicable to agreements that were already in existence when the directives entered into force?

3. If the answer to Question 2 is in the affirmative, must the obligation not to alter for the worse the late-payment interest rate applicable to agreements that were already in existence be construed as imposing — as regards a legislative measure governing interest, which provides, up to a certain point (in the present case, from 31 January 1982 to 31 December 1995), for the application of a non-statutory rate and compound interest, even on an annual basis and not six-monthly, as claimed by the creditor, and, after that point, only for the payment of statutory interest — a set of rules which, in view of the particular circumstances of the dispute at issue, is not necessarily unfavourable to the creditor?

4. In so far Directive 2000/35/EC and Directive 2011/7/EU provide, in Articles 3(3) and 7 respectively, in relation to the prohibition of the abuse of freedom of contact to the disadvantage of the creditor, that unfair contractual terms and practices are invalid, do the transposition requirements of those directives (Articles 6 and 12, respectively) have the effect of precluding the State from adopting measures which, as regards agreements to which the State is a party and which were in existence at the time the directives entered into force, exclude late-payment interest?

5. If the answer to Question 4 is in the affirmative, does the prohibition on intervening in agreements that are already in existence and to which the State is a party by adopting measures which preclude late-payment interest impose — as regards a legislative measure governing interest, which provides, up to a certain point (in the present case, from 31 January 1982 to 31 December 1995), for the application of a non-statutory rate and compound interest, even on an annual basis and not six-monthly, as claimed by the creditor, and, after that point, only for the payment of statutory interest — a set of rules which, in view of the particular circumstances of the dispute at issue, is not necessarily unfavourable to the creditor?'

([1]) Directive 2000/35/EC of the European Parliament and of the Council of 29 June 2000 on combating late payment in commercial transactions (OJ 2000 L 200, p. 35).

([2]) Directive 2011/7/EU of the European Parliament and of the Council of 16 February 2011 on combating late payment in commercial transactions (OJ 2011 L 48, p. 1).

Action brought on 7 March 2014 — European Commission v United Kingdom of Great Britain and Northern Ireland

(Case C-112/14)

(2014/C 184/14)

Language of the case: English

Parties

Applicant: European Commission (represented by: R. Lyal, L. Armati, agents)

Defendant: United Kingdom of Great Britain and Northern Ireland

The applicant claims that the Court should:

— declare that by adopting and maintaining tax legislation concerning attribution of gains to members of non-resident companies which provides for a difference in treatment between domestic and cross-border activities, the United Kingdom has failed to fulfil its obligations under Article 63 TFEU and Article 40 EEA or, in the alternative, Article 49 TFEU and Article 31 EEA;

— order United Kingdom of Great Britain and Northern Ireland to pay the costs.

Pleas in law and main arguments

The national legislation in issue

Section 13 of the Taxation of Chargeable Gains Act 1992 provides that where certain types of non-resident company earn profits, those profits are immediately taxable in the hands of shareholders and other participators who are residents of the United Kingdom, whether or not the latter in fact receive any income.

The main argument

UK residents are liable for tax on the profits of certain non-resident companies in which they are participators, while would not be so liable if the companies concerned were resident in the United Kingdom. That difference in taxation is likely to discourage UK taxpayers from investing in such non-resident companies, contrary to Article 63 TFEU and Article 40 EEA.

The measure in issue may prevent certain types of tax avoidance and abuse. However, its application is not limited to hypotheses of tax avoidance or abuse and the measure is therefore not justified.

Request for a preliminary ruling from the Amtsgericht Rüsselsheim (Germany) lodged on 12 March 2014 — Peggy Kieck v Condor Flugdienst GmbH

(Case C-118/14)

(2014/C 184/15)

Language of the case: German

Referring court

Amtsgericht Rüsselsheim

Parties to the main proceedings

Applicant: Peggy Kieck

Defendant: Condor Flugdienst GmbH

Questions referred

1. Is there also a right under Article 7 of Regulation No 261/20004 ([1]) to compensation where the departure of the booked flight is delayed by more than three hours, the passenger rebooks on another airline and the delay on arrival compared with the original flight is thereby appreciably reduced, whilst both the original flight and the replacement flight arrive at the original destination far more than three hours late?

2. If Question 1 is answered in the affirmative: is it decisive in this regard that the period of five hours, specified in Article 6(1)(iii), for application of Article 8(1) of the regulation has or has not expired?

3. Is it material whether the rebooking was made independently by the passenger or with the defendant's help?

([1]) Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91 (OJ 2004 L 46, p. 1).

Appeal brought on 29 March 2014 by Christoph Klein against the judgment of the General Court (First Chamber) delivered on 21 January 2014 in Case T-309/10 Christoph Klein v European Commission

(Case C-120/14P)

(2014/C 184/16)

Language of the case: German

Parties

Appellant: Christoph Klein (represented by: H.-J. Ahlt und M. Ahlt)

Other parties to the proceedings: European Commission, Federal Republic of Germany

Form of order sought

The appellant claims that the Court should:

— set aside the judgment of the General Court of 21 January 2014 in Case T-309/10;

— declare that by failing to adopt a decision in the safeguard clause procedure in progress since 1998 concerning the contested medicinal products, the Commission has infringed its obligations under Directive 93/42 and European Union law and has, as a result, caused the appellant direct damage;

— order the Commission to pay damages of an amount still to be calculated in respect of the damage caused to the appellant;

— order the Commission to pay the costs of the proceedings;

— in the alternative: set aside the judgment of the General Court of 21 January 2014 in Case T–309/10 and refer the proceedings back to the General Court.

Pleas in law and main arguments

By incorrectly applying the provisions relating to the time-barring of actions in matters arising from the non-contractual liability of the European Union, the General Court infringed Article 46 of the Statute, in so far as it failed to take account of the fact that a successful application for legal aid which, for the purpose of the interruption of the limitation period, amounts to the bringing of proceedings.

Next, the General Court infringed Articles 8 and 18 of Directive 93/42 ([1]) in so far as it concluded that those two articles are mutually exclusive. A correct interpretation is, on the other hand, that both provisions are concurrently applicable. Furthermore, the Court fails to provide sufficient grounds for its conclusion.

Further, the General Court infringed European Union law in so far as it erred in law by failing to classify the proceedings brought by the German authorities as safeguard clause proceedings.

The more than 10-year duration of the proceedings before the Commission infringes Article 41 of the Charter of Fundamental Rights and the Principle of sound administration. The General Court erred in law by failing to take those infringements into consideration.

Finally, the proceedings before the Court contain breaches of procedural rules. Several documents produced in support of the appellant's arguments were not taken into consideration. In addition, the statement and legal arguments of the European Parliament, which the appellant adopted, were simply ignored.

(1) Council Directive 93/42/EEC of 14 June 1993 concerning medical devices (OJ 1993 L 169).

Action brought on 24 March 2014 — Commission of the European Communities v Portuguese Republic

(Case C-140/14)

(2014/C 184/17)

Language of the case: Slovene

Parties

Applicant: European Commission (represented by: E. Sanfrutos and M. Žebre)

Defendant: Republic of Slovenia

Form of order sought

The Commission claims that the Court should:

— declare that the Republic of Slovenia, by failing since April 2009 to adopt sufficient measures to prevent and remove the deposit of 13 600 m^3 of excavated earth including 7 605.73 m^3 classifiable as waste under number 17 05 06 (excavation material not falling under number 17 05 05) and some 6 000 m^3 classifiable as waste under number 17 05 05* (excavation material containing hazardous substances) at the site of construction work on the municipal infrastructure for the commercial area at Gaberje-jug, has failed to fulfil its obligations under Articles 12, 13, 15(1), 17 and 36 of Directive 2008/98/EC, (1) and under Articles 5(3)(e), 6 (in conjunction with Council Decision 2003/33/EC (2)), 7, 8, 9, 11 and 12 of Directive 1999/31/EC (3) and Annexes I, II and III to the latter;

— declare that the Republic of Slovenia, by authorising the deposit of excavated earth, that is to say, activity that takes the form of the recovery of waste, on plot No 115/1 in the municipal land register of Teharje, without ensuring that other waste had not previously or at the same time been deposited at that site, and by failing to adopt measures for the removal of waste not covered by the site permit, classifiable as illegal landfilling, has failed to fulfil its obligations under Articles 13 and 36(1) of Directive 2008/98/EC on waste and under Articles 5(3)(e), 6 (in conjunction with Council Decision 2003/33/EC), 7, 8, 9, 11 and 12 of Directive 1999/31/EC and Annexes I, II and III to the latter;

— order the Republic of Slovenia to pay the costs.

Pleas in law and main arguments

The Republic of Slovenia, by failing since April 2009 to adopt sufficient measures to prevent and remove the deposit of 13 600 m^3 of excavated earth including 7 605.73 m^3 classifiable as waste under number 17 05 06 (excavation material not falling under number 17 05 05) and some 6 000 m^3 classifiable as waste under number 17 05 05* (excavation material containing hazardous substances) at the site of construction work on the municipal infrastructure for the commercial area at Gaberje-jug, has failed to fulfil its obligations under Articles 12, 13, 15(1), 17 and 36 of Directive 2008/98/EC, and under Articles 5(3)(e), 6 (in conjunction with Council Decision 2003/33/EC), 7, 8, 9, 11 and 12 of Directive 1999/31/EC and Annexes I, II and III to the latter. In addition, the Republic of Slovenia, by authorising the deposit of excavated earth, that is to say, activity that takes the form of the recovery of waste, on plot No 115/1 in the municipal land register of Teharje, without ensuring that other waste had not previously or at the same time been deposited at that site, and by failing to adopt measures for the removal of waste not covered by the site permit, classifiable as illegal landfilling, has failed to fulfil its obligations under Articles 13 and 36(1) of Directive 2008/98/EC on waste and under Articles 5(3)(e), 6 (in conjunction with Council Decision 2003/33/EC), 7, 8, 9, 11 and 12 of Directive 1999/31/EC and Annexes I, II and III to the latter.

(1) OJ 2008 L 312, p. 3.
(2) OJ 2003 L 11.
(3) OJ 1999 L 182, p. 1.

Action brought on 31 March 2014 — European Commission v Hellenic Republic

(Case C-149/14)

(2014/C 184/18)

Language of the case: Greek

Parties

Applicant: European Commission (represented by: M. Patakia and E. Manhaeve, acting as Agents)

Defendant: Hellenic Republic

Form of order sought

The applicant claims that the Court should:

— Declare that the Hellenic Republic failed to fulfil its obligations under Article 3(4) of Council Directive 91/676/EEC of 12 December 1991 ([1]) concerning the protection of waters against pollution caused by nitrates from agricultural sources in that it failed to designate areas which are characterised by the presence of bodies of groundwater or surface waters which are affected or are likely to be affected by an excessive concentration of nitrates and/or the phenomenon of eutrophification as 'nitrate vulnerable zones' (NVZ), a designation which ought to have been made on the basis of the available data and in that, additionally, by not having established the action programmes which are specified in Article 5 of that directive within one year after the designations referred to in Article 3(4) of the directive, the Hellenic Republic also infringed the provisions of Article 5(1) of Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources;

— order the Hellenic Republic to pay the costs.

Pleas in law and main arguments

1. The objective of the directive on nitrates pollution is to reduce water pollution caused or induced by nitrates from agricultural sources and, further, the prevention of such pollution. The directive imposes on the Member States the obligation to adopt various measures for the attainment of that objective. The relevant obligations include the obligation to designate areas of land which are in the territories of the Member States and the waters of which:

   (a) drain into surface freshwaters and/or groundwater (Article 3, Annex 1) which contain or could contain more than 50 mg/l nitrates, if the action required by the nitrates directive is not taken, and

   (b) drain into freshwater bodies, estuaries, coastal waters and marine waters which are or may become eutrophic, if action is not taken.

   The abovementioned areas are called 'nitrate vulnerable zones' or NVZ.

2. The Commission undertook a technical examination of the designation of NVZ by the Hellenic Republic in the framework of the directive and, on the basis of that examination, considered that the NVZ designation ought to be extended, in order fully to correspond to the requirements of the directive.

3. From the information on concentration of nitrates submitted by Greece to the Commission (on the basis of Article 10 of the Directive, both for the 2004-2007 period and for the 2008-2011 period) and particularly on the basis of the data on the mean and maximum nitrate concentration figures in groundwater and the data related to eutrophic surface water (illustrative maps 3 and 4), the Commission identified nine areas which ought to have been designated as NVZ and/or in respect of which the currently designated zone ought to have been extended.

4. Having made such an analysis, in respect of each area, the Commission requests that the Court declare that the Hellenic Republic failed to fulfil its obligations under Article 3(4) of Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources in that it failed to designate areas which are characterised by the presence of bodies of groundwater or surface waters which are affected or are likely to be affected by an excessive concentration of nitrates and/or the phenomenon of eutrophification as 'nitrate vulnerable zones' (NVZ), a designation which ought to have been made on the basis of the available data.

5. Further, by not having established the action programmes which are specified in Article 5 of that directive within one year after the designations referred to in Article 3(4) of the directive, the Hellenic Republic also infringed the provisions of Article 5(1) of Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources.

([1]) OJ 1991 L 375, p. 1

Appeal brought on 3 April 2014 by Evonik Degussa GmbH, AlzChem AG, formerly AlzChem Trostberg GmbH, formerly AlzChem Hart GmbH against the judgment of the General Court (Third Chamber) delivered on 23 January 2014 in Case T-391/09 Evonik Degussa GmbH, AlzChem AG, formerly AlzChem Trostberg GmbH, formerly AlzChem Hart GmbH v European Commission

(Case C-155/14 P)

(2014/C 184/19)

Language of the case: German

Parties

Appellants: Evonik Degussa GmbH, AlzChem AG, formerly AlzChem Trostberg GmbH, formerly AlzChem Hart GmbH (represented by: C. Steinle, Rechtsanwalt, I. Bodenstein, Rechtsanwältin)

Other party to the proceedings: European Commission

Form of order sought

The appellants claim that the Court should:

1. set aside the judgment of the General Court (Third Chamber) of 23 January 2014 (Case T-391/09), in so far as it affects the appellants;

2. annul Commission Decision C(2009) 5791 final of 22 July 2009 (Case *COMP/39.396* — Calcium carbide and magnesium based reagents for the steel and gas industries), in so far as it affects the appellants;

   in the alternative, reduce the fine imposed on the appellants by Article 2(g) and (h) of that decision;

   in the alternative, in the event that the foregoing claim is dismissed, amend Article 2(g) and (h) of the decision, so that SKW Stahl-Metallurgie GmbH is jointly and severally liable for the full amount of the fine imposed on the appellants; the appellants understand this alternative claim in the way the General Court has understood it in paragraphs 264 and 265 of the judgment, namely as an alternative claim for an increase in the proportion of the fine imposed on the appellants, which is considered to be paid when SKW pays the fine imposed on them by the Commission.

3. in the alternative to the second head of claim, refer the case back to the General Court for determination in accordance with the judgment of the Court of Justice as to points of law;

4. in any event, order the Commission to pay the appellants' costs of the proceedings before the General Court and the Court of Justice.

Grounds of appeal and main arguments

The appeal is against the judgment of the General Court of 23 January 2014 in Case T-391/09, in so far as it affects the appellants. In the judgment, the General Court partially upheld and partially dismissed the appellants' actions brought against Commission Decision C(2009) 5791 final of 22 July 2009 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement (Case COMP/39.396 — Calcium carbide and magnesium based reagents for the steel and gas industries).

The appellants raise five grounds of appeal:

1. By the first ground of appeal, the appellants claim that the General Court attributed to them the anti-competitive conduct of SKW Stahl-Technik GmbH & Co. KG ('SKW') in breach of the range of the attribution of liability under Article 81 EC (now Article 101 TFEU), the principle of personal responsibility, the presumption of innocence and the principle that liability presupposes fault by rejecting the rebuttal of the presumption of decisive influence. Against express specific instructions of the appellants, SKW unilaterally participated in a cartel from April 2004 in a power vacuum before the imminent sale of that company to a third party. In that exceptional special case, which can be clearly differentiated from the general body of cases dealt with so far, the General Court wrongly denied fairness in individual cases.

2. By the second ground of appeal, the appellants claim that, in breach of the rights of defence and the duty to state reasons, the General Court rejected their argument that the Commission decision should have been declared void because the proportions of liability in the internal relationship of the joint and several debtors were not determined in conformity with the judgment since delivered by the General Court in Joined Cases T-122/07 to T-124/07 Siemens Österreich [2011] ECR II-793. The argument in the action was neither late nor insufficient.

3. With reference to the amount of the fine, the appellants allege by their third ground of appeal that the General Court infringed the principle of equal treatment when it did not — as in the parallel case Gigaset — reduce the fines against the appellants in light of the errors in calculating the fine, in particular the failure to take into account an entrance fee and the incorrect taking into account of a leniency reduction in SKW's fine.

4. The appellants welcome the fact that, when setting their new fine, the General Court also reassessed the proportion of the fine *'which will be considered to be paid when SKW makes payments in connection with the fine imposed on them by the contested decisions'* (operative part of the judgment, point 2, first indent). By the fourth alternative ground of appeal, the appellants claim, however, that, in breach of the principle of legal certainty, *nulla poena sina lege certa* and the duty to state reasons in the reassessment, the General Court did not expressly determine the double repayment effect of a payment from SKW for both ARQUES Industries AG ('Arques') (now Gigaset AG ('Gigaset')) and for the appellants.

5. By the fifth alternative ground of appeal, the appellants claim that, in reassessing the fines, the General Court, in breach of the principles for setting joint and several fines (Article 81 EC, Article 23 of Regulation No 1/2003) ([1]) in particular, deducted the leniency reduction in the proportion which is considered to be paid by a performance by SKW. The General Court thereby allowed for a leniency reduction in that proportion at the expense of the appellants although SKW did not cooperate with the Commission in accordance with the Leniency Notice.

([1]) Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty; OJ 2003 L 1, p. 1.

Request for a preliminary ruling from the Conseil d'État (France) lodged on 4 April 2014 — Société Neptune Distribution v Minister for Economic Affairs and Finance

(Case C-157/14)

(2014/C 184/20)

Language of the case: French

Referring court

Conseil d'État

Parties to the main proceedings

Applicant: Société Neptune Distribution

Defendant: Minister for Economic Affairs and Finance

Questions referred

1. Is the basis for calculating the 'equivalent value for salt' of the quantity of sodium present in a foodstuff, for the purposes of the annex to Regulation (EC) No 1924/2006, ([1]) constituted only by the quantity of sodium which, when associated with chloride ions, forms sodium chloride, or table salt, or does it include the total quantity of sodium in all its forms contained in the foodstuff?

2. In the latter case, do Article 2(1) of Directive 2000/13/EC and Article 9(1) and (2) of Directive 2009/54/EC, ([2]) together with Annex III to the latter directive, read in the light of the equivalence established between sodium and salt in the annex to Regulation (EC) No 1924/2006, infringe the first subparagraph of Article 6(1) of the Treaty on the European Union, read with Article 11(1) (freedom of expression and information) and Article 16 (freedom to conduct a business) of the Charter of Fundamental Freedoms of the European Union, and Article 19 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, by prohibiting a distributor of mineral water from placing on his labels and advertising material any indication as to the low salt content or sodium chloride content, which could be that of his product that is high in sodium bicarbonate, inasmuch as that indication would be likely to mislead the purchaser in regard to the total sodium content of the water?'

([1]) Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods (OJ 2006 L 404, p. 9).

([2]) Directive 2009/54/EC of the European Parliament and of the Council of 18 June 2009 on the exploitation and marketing of natural mineral waters (Recast) (OJ 2009 L 164, p. 45).

Action brought on 4 April 2014 — European Commission v Kingdom of Belgium

(Case C-163/14)

(2014/C 184/21)

Language of the case: French

Parties

Applicant: European Commission (represented by: F. Clotuche-Duvieusart and I. Martínez del Peral, acting as Agents)

Defendant: Kingdom of Belgium

Form of order sought

— declare that, by failing to grant the institutions and bodies of the European Union the exemption provided for by the second subparagraph of Article 3 of the Protocol on the Privileges and Immunities of the European Union from the contributions established by Article 26 of the Order concerning the organisation of the electricity market in the Brussels-Capital Region, and by Article 20 of the Order concerning the organisation of the gas market in the Brussels-Capital Region, as amended and by precluding the reimbursement of those contributions thereby paid by the Region, the Kingdom of Belgium failed to fulfil its obligations under the second subparagraph of Article 3 of the Protocol on the Privileges and Immunities of the European Union;

— order Kingdom of Belgium to pay the costs.

Pleas in law and main arguments

The Orders of 19 July 2001 concerning the organisation of the electricity market in the Brussels-Capital Region and of 1 April 2004 concerning the organisation of the gas market in the Brussels-Capital Region, as amended, provide for the payment of duties by the suppliers of electricity and gas in favour of the Brussels-Capital Region. Those regional contributions are then invoiced to the end consumers and therefore to the institutions of the European Union at the time of the supply of electricity or gas in accordance with the wattage made available to the end customers (for electricity) or the meter-readings at the end customers' premises (for gas).

The Commission considers that those regional contributions must be classified as indirectly collected by the Belgian authorities at the time of large purchases made by the institutions for their official use and incorporated in the price of electricity and gas which is invoiced to them. The Commission points out that it is not necessary, for the purpose of identifying an indirect tax, that there be express provision in the legislation for an end customer pass-on requirement and that it is decisive that there is a tax levied at the time of consumption or the incurring of expenditure. As a consequence, it considers that the Belgian State is obliged under the second subparagraph of Article 3 of the Protocol on the Privileges and Immunities of the European Union to reimburse those indirect duties or sales taxes to the institutions of the European Union.

The Commission claims that those regional contributions may not be classified as a mere charge for a public utility service and that they therefore do not fall within the exception to the exemption provided for by the third subparagraph of Article 3 of the Protocol on the Privileges and Immunities of the European Union. Those contributions are intended to finance various public service tasks and partially finance various policies implemented by the public authorities with social objectives (for example, social tariff, minimum supplies of electricity to households) or environmental (for example, promotion of sustainable energy use). Those taxes do not amount to payment for a service supplied specifically to the institutions.

Appeal brought on 8 April 2014 by European Dynamics Belgium and Others against the judgment of the General Court (Second Chamber) delivered on 29 January 2014 in Case T-158/12 *European Dynamics Belgium and Others* v *EMA*

(Case C-173/14 P)

(2014/C 184/22)

Language of the case: Greek

Parties

Appellants: European Dynamics Belgium SA, European Dynamics Luxembourg SA, Evropaïki Dynamiki — Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE and European Dynamics UK Ltd (represented by: V. Christianos, lawyer)

Other party to the proceedings: European Medicines Agency (EMA)

Form of order sought

The appellants claim that the Court should:

— Set aside the judgment of the General Court of 29 January 2014 in Case T-158/12 and refer the case back to the General Court for judgment;

— Order the EMA to pay the costs.

Grounds of appeal and main arguments

1. The appellants submit that the judgment of the General Court of 29 January 2014 in Case T-158/12 contains findings of law which are manifestly contrary to rules of European Union law and are contested in this appeal.

2. In the opinion of the appellants, the judgment under appeal should be set aside on the ground of a manifest error of assessment, on the ground of a distortion of the appellants' arguments, on the ground of a defective statement of reasons and on the ground of misinterpretation and misapplication of European Union law.

3. Specifically, the appellants put forward four grounds of appeal:

   — The first ground of appeal concerns the new award criterion which was added in the tendering procedure but was not provided for within the technical specifications. In respect of this ground, the appellants challenge by this appeal the distortion of their plea in law and of the arguments put forward in their written pleadings, and also failure to state reasons.

   — The second ground of appeal concerns the assessment of a qualitative selection criterion as an award criterion. In respect of this ground, the appellants challenge by this appeal an error of assessment, misinterpretation and misapplication of European Union law, and a failure to state reasons.

   — The third ground of appeal concerns the assessment of the experience acquired from previous contracts with the same award criteria. In respect of this ground, the appellants challenge by this appeal misinterpretation and misapplication of European Union law, an error of assessment and failure to state reasons.

   — The fourth ground of appeal concerns the assessment of a criterion of which objective marking was not possible. In respect of this ground, the appellants challenge by this appeal a manifest error of assessment, misapplication of European Union law and failure to state reasons.

Action brought on 11 April 2014 — European Commission v Hellenic Republic

(Case C-180/14)

(2014/C 184/23)

Language of the case: Greek

Parties

Applicant: European Commission (represented by: M. Patakia and M. van Beek, acting as Agents)

Defendant: Hellenic Republic

Form of order sought

The applicant claims that the Court should:

— Declare that by failing to establish and/or by not having implemented a maximum weekly working time which does not exceed 48 hours and by not having ensured either a minimum daily and weekly rest period or a compensatory rest period which directly follows the working time for which compensation is supposed to be provided, the Hellenic Republic failed to fulfil its obligations under Articles 3, 5 and 6 of Directive 2003/88/EC; ([1])

— order the Hellenic Republic to pay the costs.

Pleas in law and main arguments

1. Directive 2003/88 lays down common minimum standards for the organisation of working time, for the protection of workers' health and safety and in particular an upper limit for the average weekly working time (Article 6) and a minimum daily and weekly rest period (Articles 3, 5 and 6 thereof).

2. Greece transposed the directive into national law, so that its application extended to doctors who are employed in the public health services, by means of Presidential Decree 88/1999. Greece then transposed the directive in so far as it concerned trainee doctors, by means of Presidential Decree 76/2005.

3. Nonetheless, Greece then issued a series of legislative measures which suspended the application of the implementing legislation to salaried doctors and trainee doctors within the public services.

4. Further, from the complaints which were submitted to the Commission by ten different unions of Greek doctors, it is apparent that those workers were obliged under the national legislation, and in practice, to work an average working week of between 60 and 72 hours (salaried doctors) and between 71 and 93 hours (trainee doctors). They were also obliged to work up to 32 hours without interruption at their place of work.

5. Further, there was signed a collective agreement and there were adopted Laws 37542009 and 3868/2010 which incorporated provisions of that collective agreement. The national law continues not to define an effective upper limit of time up to which it is possible for the workers concerned to be compelled to work, in that, in addition to regular duties, it is provided that 'the hospital doctors of the National Health Service, the university doctors and trainee doctors shall carry out the on-call duties required to ensure the safe operation of the hospitals and health centres'.

6. Moreover, as those provisions are applied in practice, the minimum daily and weekly rest period is not ensured, in that (i) not all forms of on-call duty are recognised as working time and (ii) there is no provision for equivalent periods of compensatory rest which are provided directly after the additional working time for which that rest is supposed to be compensation.

7. The abovementioned legislation and practice seriously diverge from the minimum requirements imposed by Directive 2003/88 and constitute an infringement of Articles 3, 5 and 6 of the directive.

([1]) Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time (OJ 2003 L 299, p 9)

Appeal brought on 17 April 2014 by AC-Treuhand AG against the judgment of the General Court (Third Chamber) delivered on 6 February 2014 in Case T-27/10 AC-Treuhand AG v European Commission

(Case C-194/14 P)

(2014/C 184/24)

Language of the case: German

Parties

Appellant: AC-Treuhand AG (represented by: C. Steinle and I. Bodenstein, Rechtsanwälte)

Other party to the proceedings: European Commission

Form of order sought

The appellant claims that the Court should:

1. set aside the judgment under appeal;

2. annul Commission Decision C(2009) 8682 final of 11 November 2009 (Case COMP/38.589 — Heat stabilisers), in so far as it affects the appellant.

   in the alternative, reduce the fines imposed on the appellant by Article 2(17) and (38) of that decision;

3. in the alternative to the second head of claim, refer the case back to the General Court for determination in accordance with the judgment of the Court of Justice as to points of law;

4. in any event, order the Commission to pay the appellant's costs of the proceedings before the General Court and the Court of Justice.

Grounds of appeal and main arguments

1. The appeal is against the judgment of the General Court of the European Union of 6 February 2014 in Case T-27/10. In the judgment, the General Court dismissed the appellant's action of 27 January 2010 brought against Commission Decision C(2009) 8682 final of 11 November 2009 relating to a proceeding under Article 81 of the EC Treaty and Article 53 of the EEA Agreement (Case COMP/38.589 — Heat stabilisers).

2. The appellant raises four grounds of appeal:

3. By the first ground of appeal, the appellant alleges that the General Court erred in law by extensively interpreting Article 81 EC (now Article 101 TFEU) in breach of the principle of legality (*nullem crimen sine lege* and *nulla poena sine lege*) enshrined in Article 49(1) of the Charter of Fundamental Rights of the European Union (Charter of Fundamental Rights, 'the Charter') in such a way that the level of certainty and foreseeability of the facts of Article 81 EC required in accordance with the rule of law is no longer fulfilled in the present case. The General Court thus infringed Article 81 EC and Article 49(1) of the Charter.

4. By the second ground of appeal, the appellant alleges that, in rejecting the fourth plea, the General Court erred in law inasmuch as it disregarded the limitations imposed on the Commission's discretion to set fines in the present case by the principle of legality (Article 49(1) of the Charter) and the principle of equal treatment.

5. By the third ground of appeal, the appellant alleges that the General Court infringed Article 23(2) and (3) of Regulation No 1/2003 and the Guidelines on the method of setting fines. The appellant submitted that, on the basis of the methods outlined in the 2006 guidelines, its fines were to be determined on the basis of the fee received for the performance of services in connection with the infringements and should not have been set at a flat rate. The General Court wrongly rejected that submission and considered the amount of the fines to be reasonable.

6. By the fourth ground of appeal, the applicant alleges that the General Court infringed Article 261 TFEU, Article 23(3) and Article 31 of Regulation No 1/2003 due to the insufficient and legally erroneous exercise of its unlimited jurisdiction. In addition, in the context of the exercise of its unlimited jurisdiction, the General Court itself infringed the principle of legality (Article 49(1) of the Charter), the principle of equal treatment and the principle of proportionality.

Order of the President of the Court of 13 February 2014 (request for a preliminary ruling from the Supremo Tribunal Administrativo — Portugal) — TVI Televisão Independente SA v Fazenda Pública

(Case C-17/12) ([1])

(2014/C 184/25)

Language of the case: Portuguese

The President of the Court has ordered that the case be removed from the register.

([1]) OJ C 98, 31. 3. 2012.

Order of the President of the Fourth Chamber of the Court of 25 March 2014 (request for a preliminary ruling from the Tribunalul Argeş — Romania) — Comisariatul Judeţean pentru Protecţia Consumatorilor Argeş v SC Volksbank România SA, SC Volksbank România SA — Sucursala Piteşti, Alin Iulian Matei, Petruţa Florentina Matei

(Case C-236/12) ([1])

(2014/C 184/26)

Language of the case: Romanian

The President of the Fourth Chamber has ordered that the case be removed from the register.

([1]) OJ C 235, 4. 8. 2012.

Order of the President of the Court of 26 February 2014 (request for a preliminary ruling from the Landgericht Hamburg — Germany) — Karin Gawelczyk v Generali Lebensversicherung AG

(Case C-439/12) ([1])

(2014/C 184/27)

Language of the case: German

The President of the Court has ordered that the case be removed from the register.

([1]) OJ C 389, 15.12.2012.

Order of the President of the Court of 26 February 2014 (request for a preliminary ruling from the Landgericht Hamburg — Germany) — Werner Krieger v ERGO Lebensversicherung AG

(Case C-459/12) ([1])

(2014/C 184/28)

Language of the case: German

The President of the Court has ordered that the case be removed from the register.

([1]) OJ C 9, 12.1.2013.

Order of the President of the Third Chamber of the Court of 7 February 2014 (request for a preliminary ruling from the Okresný súd Prešov — Slovakia) — Peter Macinský, Eva Macinská v Getfin s.r.o., Financreal s.r.o.

(Case C-482/12) ([1])

(2014/C 184/29)

Language of the case: Slovak

The President of the Third Chamber has ordered that the case be removed from the register.

([1]) OJ C 9, 12.1.2013.

Order of the President of the Court of 19 February 2014 — European Commission v Republic of Poland

(Case C-500/12) ([1])

(2014/C 184/30)

Language of the case: Polish

The President of the Court has ordered that the case be removed from the register.

([1]) OJ C 26, 26.1.2013.

Order of the President of the Court of 11 February 2014 (request for a preliminary ruling from the Landgericht Hamburg — Germany) — Andrea Lange v ERGO Lebensversicherung AG

(Case C-529/12) ([1])

(2014/C 184/31)

Language of the case: German

The President of the Court has ordered that the case be removed from the register.

([1]) OJ C 38, 9. 2. 2013.

Order of the President of the Court of 10 March 2014 (request for a preliminary ruling from the Amtsgericht Winsen (Luhe) — Germany) — Andrea Merten v ERGO Lebensversicherung AG

(Case C-590/12) ([1])

(2014/C 184/32)

Language of the case: German

The President of the Court has ordered that the case be removed from the register.

([1]) OJ C 46, 16.2.2013.

Order of the President of the Third Chamber of the Court of 18 March 2014 (request for a preliminary ruling from the Verwaltungsgericht Hannover — Germany) — Pia Braun v Region Hannover

(Case C-603/12) ([1])

(2014/C 184/33)

Language of the case: German

The President of the Third Chamber has ordered that the case be removed from the register.

([1]) OJ C 101, 6. 4. 2013.

Order of the President of the Court of 13 February 2014 (request for a preliminary ruling from the Tribunal Central Administrativo Norte — Portugal) — Marina da Conceição Pacheco Almeida v Fundo de Garantia Salarial, IP, Instituto da Segurança Social, IP

(Case C-57/13) ([1])

(2014/C 184/34)

Language of the case: Portuguese

The President of the Court has ordered that the case be removed from the register.

([1]) OJ C 108, 13. 4. 2013.

Order of the President of the Court of 6 March 2014 (request for a preliminary ruling from the Tribunal d'instance de Quimper — France) — CA Consumer Finance v Francine Crouan, née Weber, Tual Crouan

(Case C-77/13) ([1])

(2014/C 184/35)

Language of the case: French

The President of the Court has ordered that the case be removed from the register.

([1]) OJ C 123, 27.4.2013.

Order of the President of the Tenth Chamber of the Court of 10 February 2014 — European Commission v Hellenic Republic

(Case C-96/13) ([1])

(2014/C 184/36)

Language of the case: Greek

The President of the Tenth Chamber has ordered that the case be removed from the register.

([1]) OJ C 129, 4.5.2013.

Order of the President of the Court of 20 February 2014 (request for a preliminary ruling from the Curtea de Apel Alba Iulia — Romania) — Claudiu Roşu v Direcția Generală a Finanțelor Publice a Județului Sibiu — Activitatea de Inspecție Fiscală

(Case C-312/13) ([1])

(2014/C 184/37)

Language of the case: Romanian

The President of the Court has ordered that the case be removed from the register.

([1]) OJ C 226, 3.8.3013.

Order of the President of the Court of 20 February 2014 (request for a preliminary ruling from the Curtea de Apel Alba Iulia — Romania) — Direcția Generală a Finanțelor Publice a Județului Sibiu — Activitatea de Inspecție Fiscală v Cătălin Ienciu

(Case C-313/13) ([1])

(2014/C 184/38)

Language of the case: Romanian

The President of the Court has ordered that the case be removed from the register.

([1]) OJ C 226, 3.8.2013.

Order of the President of Court of 24 February 2014 (requests for a preliminary ruling from the Amtsgericht Rüsselsheim — Germany) — Erich Pickert (C-347/13), Jürgen Hein (C-353/13), Hjördis Hein (C-353/13) v Condor Flugdienst GmbH

(Joined Cases C-347/13 and C-353/13) ([1])

(2014/C 184/39)

Language of the case: German

The President of the Court has ordered that the cases be removed from the register.

([1]) OJ C 274, 21.9.2013.

Order of the President of the Court of 19 February 2014 (request for a preliminary ruling from the Amtsgericht Rüsselsheim — Germany) — Peter Link v Condor Flugdienst GmbH

(Case C-471/13) ([1])

(2014/C 184/40)

Language of the case: German

The President of the Court has ordered that the case be removed from the register.

([1]) OJ C 344, 23. 11. 2013.

Order of the President of the Court of 13 March 2014 (request for a preliminary ruling from Juzgado de Primera Instancia e Instrucción de Marchena — Spain) — Caixabank SA v Antonio Galán Rodríguez

(Case C-486/13) ([1])

(2014/C 184/41)

Language of the case: Spanish

The President of the Court has ordered that the case be removed from the register.

([1]) OJ C 352, 30.11.2013.

Order of the President of the Court of 25 March 2014 (request for a preliminary ruling from the Tribunal do Trabalho de Lisboa — Portugal) — Jorge Ítalo Assis dos Santos v Banco de Portugal

(Case C-566/13) ([1])

(2014/C 184/42)

Language of the case: Portuguese

The President of the Court has ordered that the case be removed from the register.

([1]) OJ C 31, 1. 2. 2014.

Order of the President of the Court of 4 March 2014 (request for a preliminary ruling from the Amtsgericht Rüsselsheim — Germany) — Thomas Etzold, Sandra Etzold, Toni Lennard Etzold v Condor Flugdienst GmbH

(Case C-575/13) ([1])

(2014/C 184/43)

Language of the case: German

The President of the Court has ordered that the case be removed from the register.

([1]) OJ C 15, 18.1.2014.

GENERAL COURT

Judgment of the General Court of 28 April 2014 — Longevity Health Products v OHIM — Weleda Trademark (MENOCHRON)

(Case T-473/11) ([1])

(Community trade mark — Opposition procedure — Application for Community word mark MENOCHRON — Earlier Community word mark MENODORON — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2014/C 184/44)

Language of the case: German

Parties

Applicant: Longevity Health Products (Nassau, Bahamas) (represented by: J. Korab, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: G. Schneider, acting as Agent)

Other party to the proceedings before the Board of Appeal of OHIM: Weleda Trademark AG (Arlesheim, Switzerland) (represented by: W. Haring, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 6 July 2010 (Case R 2345/2010-4), relating to an opposition procedure between Weleda Trademark AG and Longevity Health Products, Inc.

Operative part of the judgment

The Court:

1. *Dismisses the action.*

2. *Orders Longevity Health Products, Inc. to pay the costs.*

([1]) OJ C 311, 22.10.2011.

Judgment of the General Court of 29 April 2014 — Asos v OHIM — Maier (ASOS)

(Case T-647/11) ([1])

(Community trade mark — Opposition proceedings — Application for Community word mark ASOS — Earlier Community word mark ASSOS — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2014/C 184/45)

Language of the case: English

Parties

Applicant: Asos plc (London, United Kingdom) (represented by: P. Kavanagh, Solicitor, and A. Edwards-Stuart, Barrister)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (represented by: P. Geroulakos, acting as Agent)

Other party to the proceedings before the Board of Appeal of OHIM, intervening before the General Court: Roger Maier (San Pietro di Stabio, Switzerland) (represented by: U. Lüken, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 17 October 2011 (Case R 2215/2010-4), relating to opposition proceedings between Roger Maier and Asos plc.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Dismisses Mr Roger Maier's application;*

3. *Orders Asos plc to bear its own costs and to pay the costs incurred by the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM);*

4. *Orders Mr Maier to bear his own costs.*

([1]) OJ C 58, 25. 2. 2012.

Order of the General Court of 2 April 2014 — France v Commission

(Case T-478/11) ([1])

(State aid — Measures taken by a national inter-professional pig and pork producers council — Financing by voluntary contributions made mandatory — Decision declaring the aid scheme compatible with the internal market — Withdrawal of the decision — No need to adjudicate)

(2014/C 184/46)

Language of the case: French

Parties

Applicant: French Republic (represented by: initially E. Belliard, G. de Bergues, J. Gstalter and J. Rossi, then E. Belliard, G. de Bergues, D. Colas and J. Bousin, Agents)

Defendant: European Commission (represented by: initially B. Stromsky, C. Urraca Caviedes and S. Thomas, then B. Stromsky and C. Urraca Caviedes, Agents)

Re:

Application for annulment of Commission Decision C (2011) 4376 final of 29 June 2011 relating to State aid No NN 10/2010 — France — Tax to finance a national inter-professional pig and pork producers council

Operative part of the order

1. *There is no longer any need to adjudicate on the present action.*

2. *The European Commission is ordered to pay the costs.*

([1]) OJ C 340, 19.11.2011.

Order of the General Court of 2 April 2014 — France v Commission

(Case T-511/11) ([1])

(State aid — Measures taken by Interbev — Financing by voluntary contributions made mandatory — Decision declaring the aid scheme compatible with the internal market — Withdrawal of the decision — No need to adjudicate)

(2014/C 184/47)

Language of the case: French

Parties

Applicant: French Republic (represented by: initially E. Belliard, G. de Bergues, J. Rossi and J. Gstalter, then E. Belliard, G. de Bergues, D. Colas and J. Bousin, Agents)

Defendant: European Commission (represented by: B. Stromsky, C. Urraca Caviedes and S. Thomas, then B. Stromsky and C. Urraca Caviedes, Agents)

Re:

Application for annulment of Commission Decision 2012/131/EU of 13 July 2011 on levies for Interbev (OJ 2012 L 59, p. 14).

Operative part of the order

1. *There is no longer any need to adjudicate on the present action.*

2. *The European Commission is ordered to pay the costs.*

([1]) OJ C 340, 19.11.2011.

Order of the General Court of 2 April 2014 — Inaporc v Commission

(Case T-575/11) ([1])

(State aid — Actions undertaken by a national interprofessional committee for pork — Financing by voluntary levies made compulsory — Decision declaring the aid scheme compatible with the common market — Withdrawal of the decision — No need to adjudicate)

(2014/C 184/48)

Language of the case: French

Parties

Applicant: Interprofession nationale porcine (Inaporc) (Paris, France) (represented by: H. Calvet, Y. Trifounovitch and C. Rexha, lawyers)

Defendant: European Commission (represented initially by: B. Stromsky and S. Thomas, and subsequently by: B. Stromsky, acting as Agents)

Re:

Application for annulment of Commission Decision C(2011) 4376 final of 29 June 2011 concerning State aid NN 10/2010 — France — Levy intended to finance a national interprofessional committee for pork.

Operative part of the order

1. *There is no longer any need to adjudicate in the present action.*

2. *The European Commission shall pay the costs.*

([1]) OJ C 25, 28.1.2012.

Order of the General Court of 2 April 2014 — Interbev v Commission

(Case T-18/12) ([1])

(State aid — Measures taken by Interbev — Financing by voluntary contributions made mandatory — Decision declaring the aid scheme compatible with the internal market — Withdrawal of the decision — No need to adjudicate)

(2014/C 184/49)

Language of the case: French

Parties

Applicant: Association nationale interprofessionnelle du bétail et des viandes (Interbev) (Paris, France) (represented by: P. Morrier and A. Bouviala, lawyers)

Defendant: European Commission (represented by: initially B. Stromsky and S. Thomas, then B. Stromsky, Agents)

Re:

Application for annulment of Commission Decision 2012/131/EU of 13 July 2011 on levies for Interbev (OJ 2012 L 59, p. 14).

Operative part of the order

1. *There is no longer any need to adjudicate on the present action.*

2. *The European Commission is ordered to pay the costs.*

([1]) OJ C 80, 17.3.2012.

Order of the General Court of 2 April 2014 — Wedi v OHIM — Mehlhose Bauelemente für Dachrand + Fassade (BALCO)

(Case T-541/12) ([1])

(Community trade mark — Opposition — Withdrawal of the opposition — No need to adjudicate)

(2014/C 184/50)

Language of the case: German

Parties

Applicant: Wedi GmbH (Emsdetten, Germany) (represented by: O. Bischof, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: initially A. Pohlmann, then A. Schifko, Agents)

Other party to the proceedings before the Board of Appeal of OHIM intervening before the General Court: Mehlhose Bauelemente für Dachrand + Fassade GmbH & Co. KG (Herford, Germany) (represented by: M. Wirtz, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 25 September 2012 (Case R 2255/2011-4) concerning opposition proceedings between Mehlhose Bauelemente für Dachrand + Fassade GmbH & Co. KG and Wedi GmbH.

Operative part of the order

1. *There is no longer any need to adjudicate on the action.*

2. *The applicant and the defendant shall bear their own costs.*

([1]) OJ C 46, 16.2.2013.

Order of the General Court of 3 April 2014 — CFE-CGC France Télécom-Orange v Commission

(Case T-2/13) ([1])

(Action for annulment — State aid — Decision declaring the aid compatible with the internal market on certain conditions — Trade union — Not individually affected — Inadmissibility)

(2014/C 184/51)

Language of the case: French

Parties

Applicant: CFE-CGC France Télécom-Orange (Paris, France) (represented by: A.-L. Lefort des Ylouses and A.-S. Gay, lawyers)

Defendant: European Commission (represented by: L. Flynn, D. Grespan and B. Stromsky, acting as Agents)

Re:

Application for annulment of Commission Decision 2012/540/EU of 20 December 2011 concerning State aid No C 25/2008 (ex NN 23/2008) — Reform of the method of financing the pensions of public-service employees working for France Télécom implemented by the French Republic in favour of France Télécom (OJ 2012 L 279, p. 1).

Operative part of the order

1. *The action is dismissed as inadmissible.*

2. *There is no need to adjudicate on the application for leave to intervene of the French Republic.*

3. *CFE-CGC France Télécom-Orange shall bear its own costs and pay those incurred by the European Commission.*

4. *The French Republic shall bear its own costs.*

([1]) OJ C 79, 16.3.2013.

Order of the General Court of 3 April 2014 — ADEAS v Commission

(Case T-7/13) ([1])

(Action for annulment — State aid — Decision declaring the aid compatible with the internal market on certain conditions — Association — Not individually affected — Inadmissibility)

(2014/C 184/52)

Language of the case: French

Parties

Applicant: Association pour la défense de l'épargne et de l'actionnariat des salariés de France Télécom-Orange (ADEAS) (Paris, France) (represented by: A.-L. Lefort des Ylouses and A.-S. Gay, lawyers)

Defendant: European Commission (represented by: L. Flynn, D. Grespan and B. Stromsky, acting as Agents)

Re:

Application for annulment of Commission Decision 2012/540/EU of 20 December 2011 concerning State aid No C 25/2008 (ex NN 23/2008) — Reform of the method of financing the pensions of public-service employees working for France Télécom implemented by the French Republic in favour of France Télécom (OJ 2012 L 279, p. 1).

Operative part of the order

1. *The action is dismissed as inadmissible.*

2. *There is no need to adjudicate on the application for leave to intervene of the French Republic.*

3. *The Association pour la défense de l'épargne et de l'actionnariat des salariés de France Télécom-Orange (ADEAS) shall bear its own costs and pay those incurred by the European Commission.*

4. *The French Republic shall bear its own costs.*

([1]) OJ C 79, 16.3.2013.

Appeal brought on 21 February 2014 by Alvaro Sesma Merino against the judgment of the Civil Service Tribunal of 11 December 2013 in Case F-125/12, Sesma Merino v OHIM

(Case T-127/14 P)

(2014/C 184/53)

Language of the case: German

Parties

Appellant: Alvaro Sesma Merino (El Campello, Spain) (represented by H. Tettenborn, lawyer)

Other party to the proceedings: Office for Harmonisation in the Internal Market (Trade Marks and Designs)

Form of order sought by the appellant

The appellant claims that the Court should:

— set aside in its entirety the judgment of the Civil Service Tribunal (Third Chamber) of 11 December 2013 in Case F-125/12 and rule in accordance with the form of order sought by the appellant in those proceedings;

— in the alternative, refer the case back to the Civil Service Tribunal after setting aside the abovementioned judgment;

— annul the appellant's appraisal report for 2011 in the version of 1 February 2012 and the respondent's emails of 14.51 on 2 February 2012 and 15.49 on 2 February 2012, in so far as they contain the objectives set for the appellant by OHIM in respect of the period 1 October 2011 to 30 September 2012;

— order OHIM to pay the appellant damages of an appropriate amount, to be left to the discretion of the Court, for the non-material damage caused to him;

— order OHIM to pay the costs of the entire proceedings — namely, the proceedings before the Civil Service Tribunal and the appeal before the General Court.

Grounds of appeal and main arguments

In support of the appeal, the appellant relies on three grounds of appeal.

1. First ground of appeal: infringement of Article 90(2) of the Staff Regulations

   — The appellant submits that, contrary to the view taken in the judgment under appeal, the setting of objectives is indeed an act which directly and individually affects the legal position of the person concerned and is capable of adversely affecting a particular legal position directly.

— In this connection the appellant submits, inter alia, that the Civil Service Tribunal examined only whether the setting of the objectives would give rise to binding legal effects for the official's future appraisal, instead of examining whether the setting of objectives would per se give rise to binding legal effects for the appellant, a question which should, in any event, have been answered in the affirmative. The appellant submits that the Civil Service Tribunal confused the setting of objectives with his appraisal. In addition, it would be contrary to the duty to have regard for the welfare of officials and the principle of proportionality and thus to the principle of the rule of law, if an official could be made subject for a whole year to unreasonable working conditions due to unreasonable objectives without being able to defend himself against this directly.

2. Second ground of appeal: infringement of the fundamental right to effective legal protection under Article 6(1) ECHR and Article 47 of the Charter of Fundamental Rights

— The appellant submits that there is infringement of the fundamental right to effective legal protection due to the lack of a substantive examination. He puts forward that he submitted that other fundamental rights had been infringed and that such an infringement always also constitutes an act with adverse effects under Article 90(2) of the Staff Regulations. The reference to proceedings in respect of the subsequent appraisal infringes the fundamental right to effective legal protection.

3. Third ground of appeal: infringement of the laws of logic

— Here the appellant submits that the categorisation of the setting of objectives as a merely preparatory measure for the appraisal constitutes an infringement of the laws of logic.

— The same applies to the Tribunal's statement that the setting of an objective may, under certain conditions, also be regarded as an act with adverse effects for the purposes of Article 90(2) of the Staff Regulations. It is precisely the examination of those conditions, however, which constitutes an examination of the merits. The Civil Service Tribunal thus acknowledges the need for a judicial remedy, which it then, however, inconsistently, refuses as inadmissible.

Action brought on 7 March 2014 — Calberson GE v Commission

(Case T-164/14)

(2014/C 184/54)

Language of the case: French

Parties

Applicant: Calberson GE (Villeneuve-la-Garenne, France) (represented by: T. Gallois and E. Dereviankine, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— order the European Commission to pay it the following amounts:

— financial costs generated by the late release of supply securities: EUR 7 691.60 including tax;

— default interest to run from the due date of the transport invoices to the time of their effective payment: EUR 81 817.25 excluding tax and USD 6 344.17;

— 'default interest on default interest': 2% per month of late payment of the aforementioned default interest (EUR 81 817.25 excluding tax and USD 6 344.17);

— balance of one transport invoice: EUR 17 400 including tax;

— differential of one rate of exchange: EUR 30 580.41 including tax;

— order the European Commission to pay the costs.

Pleas in law and main arguments

The applicant was, pursuant to Regulations Nos 111/1999 ([1]) and 1799/1999, ([2]) awarded a contract relating to the transport of beef to the Russian Federation under the programme to supply agricultural products to that country.

Following the judgment of the Court of Justice of 17 January 2013 in Case C-623/11 *Geodis Calberson GE* (not yet published in the ECR), which conferred upon the European Union courts jurisdiction to rule on actions for compensation for damage suffered as a result of misconduct by the national intervention agency, the applicant seeks compensation for the damage it suffered in the performance of that contract.

The applicant thus argues that the national intervention agency committed acts of misconduct — namely (i) the late release of securities for performance of the contract supplied by the applicant (ii) the late payment of uncontested invoices, (iii) the non-payment of certain uncontested invoices and (iv) the settlement of certain invoices in a currency other than that stipulated in the contract — causing the applicant to suffer damage.

([1]) Commission Regulation (EC) No 111/1999 of 18 January 1999 laying down general rules for the application of Council Regulation (EC) No 2802/98 on a programme to supply agricultural products to the Russian Federation (OJ 1999 L 14, p. 3).

([2]) Commission Regulation (EC) No 1799/1999 of 16 August 1999 on the supply of beef to Russia (OJ 1999 L 217, p. 20).

Action brought on 14 March 2014 — Front Polisario v Council

(Case T-180/14)

(2014/C 184/55)

Language of the case: French

Parties

Applicant: Front populaire pour la liberation de la saguia-el-hamra et du rio de oro (Front Polisario) (Laâyoune) (represented by: G. Devers, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

— declare its action for annulment to be admissible;

— annul the decision of the Council;

— order the Council to pay the costs.

Pleas in law and main arguments

The applicant relies on 12 pleas in law in support of its action against Council Decision 2013/785/EU of 16 December 2013 on the conclusion, on behalf of the European Union, of the Protocol between the European Union and the Kingdom of Morocco setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco. ([1])

The applicant considers that, as representative of the Sahrawi people, it is directly and individually affected by that act.

1. First plea in law, alleging breach of the obligation to state reasons, the contested decision not permitting an understanding of how the Council integrated into its decision-making process the fact that the Western Sahara is a non-self-governing territory occupied by the Kingdom of Morocco.

2. Second plea in law, alleging breach of the principle of consultation, the Council having taken the contested decision without consulting the applicant, whereas international law requires that the exploitation of natural resources of a people of a non-self-governing territory be conducted in consultation with its representatives. The applicant argues that it is the sole representative of the Sahrawi people.

3. Third plea in law, alleging breach of the principle of consistency, in so far as the contested decision allows the entry into force of an international agreement which applies in the territory of the Western Sahara even though no Member State has recognised the sovereignty of the Kingdom of Morocco over the Western Sahara. The contested decision strengthens the Kingdom of Morocco's control over the Sahrawi territory, which is contrary to the aid provided by the Commission to Sahrawi refugees. In addition, the contested decision is inconsistent with the usual reaction of the European Union to breaches of obligations under peremptory norms of international law and is contrary to the objectives of the Common Fisheries Policy.

4. Fourth plea in law, alleging failure to achieve the goal of sustainable development.

5. Fifth plea in law, alleging breach of the principle of legitimate expectations, in so far as the contested decision runs counter to the expectation the applicant garnered from the repeated statements by the European Union institutions on the conformity of the agreements concluded with the Kingdom of Morocco with international law.

6. Sixth plea in law, alleging breach of the Association Agreement concluded between the European Union and the Kingdom of Morocco, the contested decision being contrary to Article 2 of that agreement in so far as it infringes the right to self-determination.

7. Seventh plea in law, alleging breach of the United Nations Convention on the Law of the Sea, in so far as the contested decision allows the entry into force of a protocol by which the European Union and the Kingdom of Morocco set fishing quotas for waters not under their sovereignty and authorised European Union vessels to exploit fisheries resources under the sole sovereignty of the Sahrawi people.

8. Eighth plea in law, alleging infringement of the right to self-determination, the contested decision bolstering the Kingdom of Morocco's control over the Western Sahara.

9. Ninth plea in law, alleging breach of the principle of permanent sovereignty over natural resources and of Article 73 of the Charter of the United Nations, the applicant not having been consulted even though the contested decision permits the exploitation of natural resources under the sole sovereignty of the Sahrawi people.

10. Tenth plea in law, alleging breach of the principle of the relative effect of treaties, the contested decision giving rise to international obligations in respect of the applicant without its consent.

11. Eleventh plea in law, alleging infringement of international humanitarian law, in so far as the contested decision provides financial support to the Kingdom of Morocco's policy of colonising the Western Sahara.

12. Twelfth plea in law, based on the law of international responsibility, the contested decision engaging the international responsibility of the European Union.

([1]) OJ 2013 L 349, p. 1.

Action brought on 14 March 2014 — José Freitas v Council and Parliament

(Case T-185/14)

(2014/C 184/56)

Language of the case: French

Parties

Applicant: José Freitas (Porto, Portugal) (represented by: J.-P. Hordies, lawyer)

Defendant: Council of the European Union and European Parliament

Form of order sought

The applicant claims that the Court should:

— declare the application to be admissible and well-founded;

— annul Article 1(2)(b) of Directive 2013/55/EU of the European Parliament and of the Council of 20 November 2013 amending Directive 2005/36/EC on the recognition of professional qualifications and Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation'), published in the Official Journal of the European Union on 28 December 2013 (OJ L 354, p. 132);

— order the defendants to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on two pleas in law.

1. First plea in law, alleging infringement of Article 49 TFEU, in so far as the profession of notary falls within the scope of application of Article 49 TFEU regarding freedom of establishment and does not fall within the exercise of official authority within the meaning of Article 51 TFEU. The profession of notary cannot therefore be excluded from the scope of application of Directive 2005/36/EC. ([1])

2. Second plea in law, alleging breach of the principle of proportionality, the notaries appointed by official act of the public authorities being excluded in a general and absolute manner from the scope of application of Directive 2005/36/EC.

([1]) Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ 2005 L 255, p. 22).

Action brought on 9 April 2014 — Ewald Dörken v OHIM — Schürmann (VENT ROLL)

(Case T-223/14)

(2014/C 184/57)

Language in which the application was lodged: German

Parties

Applicant: Ewald Dörken AG (Herdecke, Germany) (represented by: N. Grüger, lawyer)

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

Other party to the proceedings before the Board of Appeal: Wolfram Schürmann (Neuhausen, Switzerland)

Form of order sought

The applicant claims that the Court should:

— Annul the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 30 January 2014 in Case R 2156/2012-4 and alter the contested decision to the effect that the application for a declaration of invalidity is dismissed in its entirety;

— In the alternative, annul the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 30 January 2014 in Case R 2156/2012-4 with regard to the goods in Class 6: 'metal sheets for construction purposes' and Class [1]7: 'underlay sheets' and alter the contested decision to the effect that the application for a declaration of invalidity is dismissed with regard to those goods;

— Order the defendant to pay the costs.

Pleas in law and main arguments

Registered Community trade mark in respect of which a declaration of invalidity has been sought: the word mark 'VENT ROLL' for goods in Classes 6, 17 and 19 — Community trade mark No 3 817 491

Proprietor of the Community trade mark: the applicant

Applicant for the declaration of invalidity of the Community trade mark: Wolfram Schürmann

Grounds for the application for a declaration of invalidity: Absolute grounds for invalidity under Article 52(1)(a) in conjunction with Article 7(1)(b) and (c) of Regulation No 207/2009, bad faith under Article 52(1)(b) of Regulation No 207/2009 and relative ground for invalidity of a mark registered by an agent without the proprietor's consent pursuant to Article 53(1)(b) of Regulation No 207/2009

Decision of the Cancellation Division: the application for a declaration of invalidity was granted

Decision of the Board of Appeal: the appeal was dismissed

Pleas in law:

— Infringement of Article 52(1) in conjunction with Article 7(1)(b) and Article 7(2) of Regulation No 207/2009;

— Infringement of Article 52(1) in conjunction with Article 7(1)(c) and Article 7(2) of Regulation No 207/2009;

— Infringement of Article 76(2) of Regulation No 207/2009 in conjunction with Rule 40(3) of Regulation No 2868/95;

— Infringement of Articles 76 and 78 of Regulation No 207/2009 and Rules 37(b)(iv) and 57 of Regulation No 2868/95;

— Infringement of Article 76(1) of Regulation No 207/2009 in conjunction with Rule 37(a)(iii) of Regulation No 2868/95 in conjunction with Article 83 of Regulation No 207/2009;

— Infringement of Article 76(1) of Regulation No 207/2009 in conjunction with Rule 37(a)(iii) and (b)(i) of Regulation No 2868/95

Action brought on 11 April 2014 — iNET24 Holding v OHIM (IDIRECT24)

(Case T-225/14)

(2014/C 184/58)

Language of the case: German

Parties

Applicant: iNET24 Holding AG (Feusisberg, Switzerland) (represented by: S. Kirschstein-Freund, B. Breitinger and V. Dalichau, lawyers)

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

Form of order sought

The applicant claims that the Court should:

— annul the decision of the Fifth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 4 February 2014 in Case R 1867/2013-5;

— order the defendant to pay the costs.

Pleas in law and main arguments

Community trade mark concerned: Designation of the European Union for the international registration of the word mark 'IDIRECT24' for goods and services in classes 9, 36, 38 and 42 — International registration No 1 145 181

Decision of the Examiner: Application refused

Decision of the Board of Appeal: Appeal dismissed

Pleas in law:

— Infringement of Article 75 of Regulation No 207/2009;

— Infringement of Article 7(1)(c) of Regulation No 207/2009;

— Infringement of Article 7(1)(b) of Regulation No 207/2009.

Action brought on 11 April 2014 — Mammoet Salvage v Commission

(Case T-234/14)

(2014/C 184/59)

Language of the case: Dutch

Parties

Applicant: Mammoet Salvage BV (Rotterdam, Netherlands) (represented by: P. Kuypers and A. Schadd, lawyers)

Defendant: European Union, represented by the European Commission

Form of order sought

The applicant claims that the General Court should:

— primarily, rule that the European Union and/or the European Commission failed to act;

— in the alternative, order the European Union and/or the European Commission to pay the amounts owed to the applicant;

— in the further alternative, order the European Union and/or the European Commission to pay compensation to the applicant for the harm suffered;

— in all three cases, stay the proceedings, pursuant to Article 77 of the Court's Rules of Procedure, until three months after the applicant has received the arbitration decision;

— order the European Union and/or the European Commission to pay the costs of the proceedings and the extrajudicial expenses.

Pleas in law and main arguments

In 2010, the applicant secured a tender for the removal of 74 shipwrecks from a harbour in Mauritania within the framework of the European Development Fund. The contract, which was concluded between Mauritania and the applicant, was, with regard to the financing, endorsed by the Ambassador and Head of the European Union delegation in Mauritania on behalf of the European Commission. While the defendant did not, through that endorsement, become a party to the contract, it assumed the obligation to pay for the works carried out.

In support of its action, the applicant relies on three pleas in law.

1. First plea in law, alleging failure to act on the part of the defendant.

   The contract between the applicant and Mauritania contains a provision stipulating that the European Union's payment obligations end at the latest 18 months after the expiry of the period set for performance of the works. The applicant lodged a request on 4 December 2013 with Mauritania and the European Union delegation for an extension of that deadline. The defendant failed to respond to that request to act.

2. Second plea in law, based on the endorsement of the financing of the contract by the European Commission.

   The applicant is of the view that the works have been completed, and claims that the Court should order the defendant to pay the outstanding invoices, corresponding to the remaining amounts payable to the applicant in respect of the works which it carried out.

3. Third plea in law, based on the non-contractual liability of the European Union.

   Should the Court take the view that the payment deadline for the European Union has passed, the applicant requests the Court to order the defendant to pay compensation in the amount of the outstanding invoices.

   Furthermore, the applicant claims that the Court should find that the defendant acted unlawfully towards the applicant with respect to the appointment of experts, whereby non-contractual damage was caused.

Order of the General Court of 31 March 2014 — Elmaghraby v Council

(Case T-265/11) ([1])

(2014/C 184/60)

Language of the case: English

The President of the Third Chamber has ordered that the case be removed from the register.

([1]) OJ C 219, 23. 7. 2011.

Order of the General Court of 31 March 2014 — El Gazaerly v Council

(Case T-266/11) ([1])

(2014/C 184/61)

Language of the case: English

The President of the Third Chamber has ordered that the case be removed from the register.

([1]) OJ C 219, 23. 7. 2011.

Order of the General Court of 31 March 2014 — Energa Power Trading v Commission

(Case T-338/13) ([1])

(2014/C 184/62)

Language of the case: English

The President of the First Chamber has ordered that the case be removed from the register.

([1]) OJ C 252, 31. 8. 2013.

EUROPEAN UNION CIVIL SERVICE TRIBUNAL

Judgment of the Civil Service Tribunal (2nd Chamber) of 30 April 2014 — López Cejudo v Commission

(Case F-28/13) ([1])

(Civil service — Investigation of the European Anti-Fraud Office (OLAF) — Daily subsistence allowance — Article 10 of Annex VII to the Staff Regulations — Recovery of amounts unduly paid — Deductions from remuneration — Article 85 of the Staff Regulations — Intention to mislead the administration — Reasonable time-limit)

(2014/C 184/63)

Language of the case: French

Parties

Applicant: José López Cejudo (Brussels, Belgium) (represented by: É. Boigelot, lawyer)

Defendant: European Commission (represented by: J. Currall and C. Ehrbar, Agents)

Re:

Application to annul the decisions to make several deductions from the applicant's salary in respect of the months of June, July, August, September and October 2012

Operative part of the judgment

The Tribunal:

1. *Dismisses the action;*

2. *Orders Mr López Cejudo to bear his own costs and to pay the costs incurred by the European Commission.*

([1]) OJ C 207, 20.07.2013, p. 57.

Order of the Civil Service Tribunal (Third Chamber) of 30 April 2014 — Kolarova v REA

(Case F-88/13)

(Civil service — Staff of the Research Executive Agency — Preliminary issues — Objection of inadmissibility — Powers conferred on the authority authorised to conclude contracts of employment — Delegation to the Office for the Administration and Payment of Individual Entitlements (PMO) — Appeal against the decisions of the PMO — Appeal against the delegating institution — Manifestly inadmissible)

(2014/C 184/64)

Language of the case: French

Parties

Applicant: Desilava Kolarova (Brussels, Belgium) (represented by: F. Frabetti, lawyer)

Defendant: Research Executive Agency (represented by: S. Payan-Lagrou, Agent and B. Wägenbaur, lawyer)

Re:

The application to annul the dismissal of the applicant's request for her mother to be treated as a dependent child under Article 2(4) of Annex VII to the Staff Regulations

Operative part of the order

1. *The action is dismissed as inadmissible.*

2. *Ms Kolarova is ordered to bear her own costs and to pay those incurred by the Research Executive Agency.*

Action brought on 7 February 2014 — ZZ v CdT

(Case F-12/14)

(2014/C 184/65)

Language of the case: French

Parties

Applicant: ZZ (represented by: N. Cambonie, D. Ciolino and E. Macchi, lawyers)

Defendant: Translation Centre for the Bodies of the European Union (CdT)

Subject-matter and description of the proceedings

Annulment of the decision of the Translation Centre for the Bodies of the European Union rejecting the request made by the applicant on the basis of Article 90(1) of the Staff Regulations to adopt a decision apologising to him and granting him compensation for the damage suffered.

Form of order sought

The applicant claims that the Tribunal should:

— annul the CdT's implied rejection, or otherwise annul the rejection in the letter produced by the lawyer representing the CdT containing the decision of 10 April 2013 and, so far as necessary, the confirmatory decision of the CdT of 8 November 2013 rejecting the applicant's request for it to take a decision;

— declare the CdT liable for the damage suffered by the applicant, and consequently grant the applicant damages amounting to EUR 306 733,60 in respect of material loss and EUR 130 000 in respect of non-material loss, or any other, possibly greater, sum to be determined by the Tribunal, or else by expert evidence;

— order the CdT to pay the costs.

Action brought on 19 February 2014 — ZZ v Parliament

(Case F-15/14)

(2014/C 184/66)

Language of the case: French

Parties

Applicant: ZZ (represented by: A. Salerno, lawyer)

Defendant: European Parliament

Subject-matter and description of the proceedings

Annulment of the decision of the Parliament to terminate the applicant's employment contract at the end of the extension to his probationary period.

Form of order sought

— Annul the decision of the European Parliament dated 12 April 2013 to dismiss him with effect from 15 July 2013;

— Fix the compensation due to the applicant, should it be legally impossible for the European Parliament to reinstate him by appointing him as an established official, in the amount of EUR 45 000, together with default interest;

— Order the Parliament to pay the whole costs of the proceedings.

Action brought on 4 March 2014 — ZZ v Parliament

(Case F-17/14)

(2014/C 184/67)

Language of the case: French

Parties

Applicant: ZZ (represented by: M. Casado García-Hirschfeld, lawyer)

Defendant: European Parliament

Subject-matter and description of the proceedings

Annulment of the decision not to award the applicant three merit points in the 2012 promotion year.

Form of order sought

— Annul the appointing authority's decision of 3 July 2013 on determining merit points for 2012;

— Annul, so far as is necessary, the decision of 6 December 2013 rejecting the applicant's complaint;

— Order the defendant to pay the costs in their entirety.

Action brought on 7 March 2014 — ZZ v Commission

(Case F-19/14)

(2014/C 184/68)

Language of the case: French

Parties

Applicant: ZZ (represented by: S. Orlandi, lawyer)

Defendant: European Commission

Subject-matter and description of the proceedings

Annulment of the decision to credit the applicant's pension rights under the European Union pension scheme by application of the new GIPs relating to Articles 11 and 12 of Annex VIII to the Staff Regulations.

Form of order sought

— Declare illegal and therefore inapplicable Article 9 of the general implementing provisions of Article 11(2) of Annex VIII to the Staff Regulations;

— Annul the decision of 24 May 2013 to credit the pension rights acquired by the applicant prior to his entry into service, as part of the transfer of those pension rights into the Pension Scheme of the European Institutions ('PSEUI') by application of the general implementing provisions ('GIPs') of Article 11(2) of Annex VIII to the Staff Regulations of 3 March 2011.

— Order the Commission to pay the costs.

Action brought on 11 March 2014 — ZZ v Europol

(Case F-21/14)

(2014/C 184/69)

Language of the case: French

Parties

Applicant: ZZ (represented by: J.-J. Ghosez, lawyer)

Defendant: Europol

Subject-matter and description of the proceedings

Annulment of the decision not to renew the applicant's fixed-term contract for an indefinite period and an order for Europol to pay her the difference between the amount of remuneration which she would have earned if she had remained in service and the unemployment benefit or any other allowance in lieu which she has received.

Form of order sought

— Annul the defendant's decision of 13 May 2013 informing the applicant that it would not grant her a permanent contract and that her current contract would come to an end on 31 October 2013, and annul the implied decision rejecting her complaint of 13 December 2013;

— Order the defendant to pay the applicant the difference between the amount of remuneration to which she would have been entitled if she had continued to be employed by Europol and the amount of remuneration, fees, unemployment benefit or any other allowance in lieu which she has actually received since 1 November 2013 as an alternative to the remuneration which she was receiving as a temporary member of staff;

— Order the defendant to pay the costs in their entirety.

Action brought on 19 March 2014 — ZZ v EESC

(Case F-23/14)

(2014/C 184/70)

Language of the case: French

Parties

Applicant: ZZ (represented by: L. Levi and A. Tymen, lawyers)

Defendant: European Economic and Social Committee (EESC)

Subject-matter and description of the proceedings

Annulment of the decisions to reassign the applicant from the post of Head of Unit to the post of Adviser and to no longer pay him the management allowance and the claim for damages.

Form of order sought

— Annul Decision 326/13 A of the Secretary-General of the EESC of 26 June 2013 reassigning the applicant to a post of Adviser to the Director of the Directorate for Logistics, with effect from 1 September 2013;

— Annul Decision 344/13 A of the Secretary-General of the EESC of 1 July 2013 ordering that the management allowance be no longer paid to the applicant as of 1 September 2013;

— Award damages, by way of compensation for the prejudice sustained by the applicant, in the amount of EUR 5 000;

— In any event, order the defendant to pay all the costs.

Action brought on 24 March 2014 — ZZ v FRA

(Case F-25/14)

(2014/C 184/71)

Language of the case: English

Parties

Applicant: ZZ (represented by: L. Levi and M. Vandenbussche, lawyers)

Defendant: European Union Agency for Fundamental Rights (FRA)

Subject-matter and description of the proceedings

The annulment of the decision to terminate the indefinite duration contract of the Applicant, of the decision rejecting the complaint and to grant compensation for the moral and material damages suffered.

Form of order sought

— Annul the decision of the FRA Director dated 13 June 2013 to terminate indefinite duration contract of the Applicant;

— annul the decision of the FRA Director dated 20 December 2013, rejecting the complaint;

— grant the Applicant compensation for his material prejudice consisting of the difference between, on the one hand, the unemployment allowance which he will perceive from April 2014 and, after that, any potential replacement income or lack thereof and, on the other hand, his full salary, including all allowances, of 7 850,33 euros until the date of his full reintegration within the Agency (plus interest for late payment at the rate of 3 points above the European Central Bank rate);

— grant the Applicant adequate compensation for the moral damage caused by the decision, which cannot be repaired by the annulment of the decision. This moral damage is assessed ex aequo et bono at 50 000,00 euros;

— order the Defendant to pay all costs.

Action brought on 24 March 2014 — ZZ v EEAS

(Case F-27/14)

(2014/C 184/72)

Language of the case: French

Parties

Applicant: ZZ (represented by: S. Orlandi, lawyer)

Defendant: European External Action Service (EEAS)

Subject-matter and description of the proceedings

Annulment of the decision by which the applicant was removed from his post without reduction of his entitlement to a pension, with effect from 1 February 2014, following disciplinary proceedings taken after the indictment of the applicant by the national authorities for European public procurement fraud, forgery and use of forgery, money laundering and corruption.

Form of order sought

— Annul the decision of 16 January 2014 by which the EEAS removed the applicant from his post, without reduction of his entitlement to a pension;

— Order the EEAS to pay the costs.

Action brought on 28 March 2014 — ZZ v EEAS

(Case F-28/14)

(2014/C 184/73)

Language of the case: French

Parties

Applicant: ZZ (represented by: J.-N. Louis and D. de Abreu Caldas, lawyers)

Defendant: European External Action Service (EEAS)

Subject-matter and description of the proceedings

Annulment of the decisions of the High Representative of the European Union to terminate the applicant's contract as a member of the temporary staff, to refuse to hear him as regards acts of psychological harassment, to reject his request that an external investigator should be appointed and to register his complaint as a request.

Form of order sought

The applicant claims that the Tribunal should:

— annul the decision of 20 December 2013 of the High Representative of the European Union, Vice-President of the European Commission (HR/VP) to terminate the applicant's contract as a member of the temporary staff within the meaning of Article 2(e) of the CEOS with effect from 31 March 2014;

— annul the decision of the HR/VP to refuse to hear the applicant, even though the applicant had expressly requested this in the covering letter accompanying his complaint of 9 December 2013 against the Chief Operating Officer of the EEAS in respect of facts of psychological harassment;

— annul the decision of the HR/VP to reject the applicant's request to designate an external investigator of very high level, with wide experience of the conditions of employment governing the institutions of the European Union and who is completely impartial, for the purposes of determining the facts, drawing the appropriate conclusions from them and making recommendations to the HR/VP on the measures to be taken following that complaint;

— annul the decision of the HR/VP to register his complaint as a request and to have it dealt with by the DG HR.D.2 'Legal Affairs, Communication and Stakeholder Relations', no member of which is of the grade or has the authority of the official against whom the complaint was lodged;

— order the EEAS to pay the costs.

Action brought on 28 March 2014 — ZZ v Commission

(Case F-29/14)

(2014/C 184/74)

Language of the case: French

Parties

Applicant: ZZ (represented by: L. Vogel, lawyer)

Defendant: European Commission

Subject-matter and description of the proceedings

Annulment of the PMO's decisions to annul and replace the initial proposals to transfer pension rights acquired prior to employment by the European Parliament after the applicant was transferred to the Commission.

Form of order sought

— Annul the appointing authority's decision of 18 December 2013, notified to the applicant by e-mail on 19 December 2013, rejecting the applicant's complaints of 9 September 2013 against the PMO's decisions of 10 June 2013;

— In addition, annul, so far as it is necessary, the PMO's decisions of 10 June 2013 as complained against by the applicant;

— Order the defendant to pay the costs pursuant to Article 87 of the Rules of Procedure and to pay all necessary expenses incurred in the course of these proceedings, including travel and accommodation costs and lawyers' fees, pursuant to Article 91B of those Rules.

Action brought on 29 March 2014 — ZZ and Others v Parliament

(Case F-31/14)

(2014/C 184/75)

Language of the case: French

Parties

Applicants: ZZ and Others (represented by: A. Salerno, lawyer)

Defendant: European Parliament

Subject-matter and description of the proceedings

Annulment of the elections for the Staff Committee of the European Parliament which took place in autumn 2013, the results of which were published on 28 November 2013.

Form of order sought

— annul the results of the elections for the Staff Committee of the European Parliament which took place in autumn 2013, the results of which were officially published on 28 November 2013;

— order the Parliament to pay the costs.

Action brought on 1 April 2014 — ZZ v ESMA

(Case F-32/14)

(2014/C 184/76)

Language of the case: English

Parties

Applicant: ZZ (represented by: S. Pappas, lawyer)

Defendant: European Securities and Markets Authority (ESMA)

Subject-matter and description of the proceedings

Annulment of the decision not to renew the applicant's temporary agent contract as a consequence of the negative appraisal report, annulment of the above mentioned appraisal report and a claim of damages.

Form of order sought

— Annul the decision ESMA/2013/ED/33 concerning the non-renewal of the employment contract as well as the appraisals for 2011 and 2012;

— order the defendant to pay an amount of 10.000 EUR as damages for the endured non-material harm;

— order the defendant to pay the costs.

Action brought on 11 April 2014 — ZZ v ACER

(Case F-34/14)

(2014/C 184/77)

Language of the case: English

Parties

Applicant: ZZ (represented by: S. Pappas, lawyer)

Defendant: Agency for the Cooperation of Energy Regulators (ACER)

Subject-matter and description of the proceedings

Annulment of the decision not to renew the applicant's contractual agent contract and a claim of damages.

Form of order sought

— Annul the decision of the Director of ACER concerning the non-renewal of the applicant's employment contract with ACER for the second time;

— order the defendant to pay an amount of 10.000 euros as damages for the moral harm that the applicant suffered;

— order the defendant to pay the costs.

Action brought on 14 April 2014 — ZZ v OHIM

(Case F-35/14)

(2014/C 184/78)

Language of the case: English

Parties

Applicant: ZZ (represented by: A. Pappas, lawyer)

Defendant: Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM)

Subject-matter and description of the proceedings

The Annulment of the decision of OHIM, drafted on the grounds of the decision of the president of the Office of 29 March 2012 concerning teleworking, not to authorise the applicant to telework in Barcelona, and thus, obliging her to return to Alicante.

Form of order sought

— Annul the contested decision;

— order the Defendant to bear the costs.

Action brought on 20 April 2014 — ZZ v Parliament

(Case F-37/14)

(2014/C 184/79)

Language of the case: French

Parties

Applicant: ZZ (represented by: M. Casado García-Hirschfeld, lawyer)

Defendant: European Parliament

Subject-matter and description of the proceedings

Annulment of the decision of the Parliament not to allow him to carry over 16 days leave not taken in 2012 to 2013 after the applicant had been on long-term sick leave as a result of a serious illness.

Form of order sought

— annul the decision refusing to carry over the applicant's leave, beyond the limit of 12 days, from 2012 to 2013;

— in so far as necessary, annul the decision of 21 January 2014 of the Secretary General of the European Parliament rejecting the applicant's complaint of 4 October 2013;

— order the defendant to pay all the costs.

Order of the Civil Service Tribunal of 30 April 2014 — Michel v ETF

(Case F-88/08 RENV)

(2014/C 184/80)

Language of the case: French

The President of the Second Chamber has ordered that the case be removed from the register.

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