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Contents

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For reasons of protection of personal data and/or confidentiality, some information contained in this issue cannot be disclosed anymore and therefore a new authentic version has been published.

General Court

European Union Civil Service Tribunal

IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

COURT OF JUSTICE OF THE EUROPEAN UNION

Last publications of the Court of Justice of the European Union in the *Official Journal of the European Union*

(2016/C 222/01)

Last publication

OJ C 211, 13.6.2016

Past publications

OJ C 200, 6.6.2016

OJ C 191, 30.5.2016

OJ C 175, 17.5.2016

OJ C 165, 10.5.2016

OJ C 156, 2.5.2016

OJ C 145, 25.4.2016

These texts are available on:

EUR-Lex: http://eur-lex.europa.eu

V

(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Request for a preliminary ruling from the Handelsgericht Wien (Austria) lodged on 7 March 2016 — Staatlich genehmigte Gesellschaft der Autoren, Komponisten und Musikverleger Reg. Gen. mbH (AKM) v Zürs.net Betriebs GmbH

(Case C-138/16)

(2016/C 222/02)

Language of the case: German

Referring court

Handelsgericht Wien

Parties to the main proceedings

Applicant: Staatlich genehmigte Gesellschaft der Autoren, Komponisten und Musikverleger Reg. Gen. mbH (AKM)

Defendant: Zürs.net Betriebs GmbH

Question referred

Are Article 3(1) or Article 5 of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society [1] and Article 11*bis* (1)(ii) of the Berne Convention for the Protection of Literary and Artistic Works, as revised in Stockholm/Paris in 1967/1971, to be interpreted as meaning that a rule according to which the transmission of broadcasts by 'communal antenna installations' such as those of the defendant in the main proceedings

(a) does not constitute a new broadcast when no more than 500 participants are connected to the installation and/or

(b) constitutes part of the original broadcast when it involves the simultaneous, full and unaltered transmission of broadcasts of the Österreichischer Rundfunk (Austrian Broadcasting Corporation) using services within the country (Austria),

and these uses are also not covered by any other exclusive right of communication to the public at a distance within the meaning of Article 3(1) of Directive 2001/29/EC, and are therefore not subject to the author's consent and are also not subject to a fee,

is contrary to EU law or to the law of the Berne Convention as an international agreement which forms part of EU law?

[1] OJ 2001 L 167, p. 10.

Request for a preliminary ruling from the Sąd Rejonowy dla Wrocławia-Śródmieścia we Wrocławiu (Poland) lodged on 14 March 2016 — Halina Socha, Dorota Olejnik, Anna Skomra v Szpital Specjalistyczny im. A. Falkiewicza we Wrocławiu

(Case C-149/16)

(2016/C 222/03)

Language of the case: Polish

Referring court

Sąd Rejonowy dla Wrocławia-Śródmieścia we Wrocławiu

Parties to the main proceedings

Applicant: Halina Socha, Dorota Olejnik, Anna Skomra

Defendant: Szpital Specjalistyczny im. A. Falkiewicza we Wrocławiu

Question referred

Must Articles 1(1) and 2 of Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies ([1]) in conjunction with the principle of the effectiveness of [EU] law, be interpreted as meaning that an employer who on account of a difficult financial situation issues notices of amendment of pay and working conditions (notice of amendment) in relation to employment contracts only governing conditions of remuneration is required to apply the procedure arising from that directive, and also to consult on those notices with company trade union organisations, even though national law — Articles 1, 2, 3, 4, 5 and 6 of the Law laying down special rules on terminating employment relationships with employees for reasons unrelated to the employees (Ustawa o szczególnych zasadach rozwiązywania z pracownikami stosunków pracy z przyczyn niedotyczących pracowników) of 13 March 2003 (*Dziennik Ustaw* of 2003, No 90, item 844, as amended) — contains no rules on notices of amendment of employment contract conditions?

([1]) OJ 1998 L 225, p. 16.

Action brought on 15 March 2016 — European Commission v Republic of Slovenia

(Case C-153/16)

(2016/C 222/04)

Language of the case: Slovenian

Parties

Applicant: European Commission (represented by: D. Kukovec and E. Sanfrutos Cano, acting as Agents)

Defendant: Republic of Slovenia

Form of order sought by the applicant

The Commission claims that the Court should:

— declare that, by allowing an ongoing persistent situation of environmental and health insecurity, through the unsuitable storage of substantial quantities of used tyres together with other waste, including hazardous waste, and through the disposal thereof contrary to the requirements of the Landfill Directive, the Republic of Slovenia has infringed Article 12 (Disposal), Article 13 as regards waste management which takes into account the protection of human health and the environment, and Article 36(1) (Enforcement and penalties) of the Waste Framework Directive, as well as Article 5(3)(d) of the Landfill Directive;

— order the Republic of Slovenia to pay the costs.

Pleas in law and main arguments

The Republic of Slovenia has allowed an ongoing persistent situation of environmental and health insecurity, through the unsuitable storage of substantial quantities of used tyres together with other waste, including hazardous waste, and through the disposal thereof contrary to the requirements of, first, the Landfill Directive and, second, the Waste Framework Directive.

Request for a preliminary ruling from the Consiglio di Stato (Italy) lodged on 25 March 2016 — F. Hoffmann-La Roche AG, La Roche SpA, Novartis AG and Novartis Farma SpA v Autorità Garante della Concorrenza e del Mercato

(Case C-179/16)

(2016/C 222/05)

Language of the case: Italian

Referring court

Consiglio di Stato

Parties to the main proceedings

Appellants: F. Hoffmann-La Roche AG, La Roche SpA, Novartis AG and Novartis Farma SpA

Respondent: Autorità Garante della Concorrenza e del Mercato

Questions referred

1. On a proper construction of Article 101 TFEU, can the parties to a licensing agreement be regarded as competitors if the licensee company operates on the relevant market concerned solely by virtue of that agreement? Do possible restrictions of competition between the licenser and the licensee in such a situation, although not explicitly provided for in the licensing agreement, fall outside the scope of Article 101(1) TFEU or fall within the scope of the exception set out in Article 101(3) TFEU and, if so, within what limits?

2. Does Article 101 TFEU allow the National Competition Authority to define the relevant market autonomously vis-à-vis the content of marketing authorisations (MAs) for medicinal products granted by the competent pharmaceutical regulatory authorities (the Agenzia Italiana del Farmaco and the European Medicines Agency), or must the relevant market for the purposes of Article 101 TFEU instead be held to be primarily shaped and established in respect of the authorised medicinal products by the appropriate regulatory authority in a way binding on the National Competition Authority also?

3. In the light of the provisions of Directive 2001/83/EC, [1] in particular Article 5 thereof, which relates to marketing authorisations for medicinal products, does Article 101 TFEU allow a medicinal product used off-label and a medicinal product that has received an MA in respect of the same therapeutic indications to be regarded as interchangeable and, thus, to be included in the same relevant market?

4. Pursuant to Article 101 TFEU, for the purposes of defining the relevant market, is it important to establish, in addition to the essential fungibility of pharmaceutical products on the demand side, whether or not those products have been supplied on the market in accordance with the regulatory framework concerning the marketing of medicinal products?

5. In any event, can a concerted practice intended to emphasise that a medicinal product is less safe or less effective be regarded as intended to restrict competition, when the idea that that product is less effective or less safe, although not supported by reliable scientific evidence, cannot, in the light of the level of scientific knowledge available at the time of the events in question, be indisputably excluded either?

(1) Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ 2001 L 311, p. 67).

Request for a preliminary ruling from the Bundesarbeitsgericht (Germany) lodged on 5 April 2016 — Werner Fries v Lufthansa CityLine GmbH

(Case C-190/16)

(2016/C 222/06)

Language of the case: German

Referring court

Bundesarbeitsgericht

Parties to the main proceedings

Applicant: Werner Fries

Defendant: Lufthansa CityLine GmbH

Questions referred

1. Is FCL.065(b) in Annex I to Regulation (EU) No 1178/2011 (1) compatible with the prohibition of discrimination on grounds of age under Article 21(1) of the Charter of Fundamental Rights of the European Union ('the Charter')?

2. Is FCL.065(b) in Annex I to Regulation (EU) No 1178/2011 compatible with Article 15(1) of the Charter, according to which everyone has the right to engage in work and to pursue a freely chosen or accepted occupation?

3. If the first and second questions are answered in the affirmative:

   (a) Are so-called ferry flights operated by an air carrier transporting no passengers and no cargo or mail also covered by the term 'commercial air transport' within the meaning of FCL.065(b) or the definition of that term in FCL.010 in Annex I to Regulation (EU) No 1178/2011?

   (b) Are training and the conducting of exams in which a pilot over the age of 65 remains in the cockpit of the aircraft as a non-flying crew member covered by the term 'commercial air transport' within the meaning of FCL.065(b) or the definition of that term in FCL.010 in Annex I to Regulation (EU) No 1178/2011?

(1) Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ 2011 L 311, p. 1).

Appeal brought on 14 April 2016 by the Federal Republic of Germany against the judgment of the General Court (Ninth Chamber) of 4 February 2016 in Case T-620/11 *GFKL Financial Services AG* v *European Commission*

(Case C-209/16 P)

(2016/C 222/07)

Language of the case: German

Parties

Appellant: Federal Republic of Germany (represented by: T. Henze and R. Kanitz, acting as Agents)

Other parties to the proceedings: GFKL Financial Services AG, European Commission

Form of order sought

The appellant claims that the Court should:

— set aside the judgment of the General Court of the European Union of 4 February 2016 in Case T-620/11 in so far as it dismissed the action as unfounded;

— annul Commission Decision of 26 January 2011, C(2011)275 final, in State aid case C 7/10 — Scheme for the carry-forward of tax losses in the case of restructuring of companies in difficulty (Sanierungsklausel), under Article 61(1) of the Statute of the Court of Justice;

— order the Commission to pay the costs of the proceedings before the General Court and the Court of Justice.

Grounds of appeal and main arguments

In support of its appeal, the appellant relies on one ground of appeal.

There has been an infringement of the first paragraph of Article 107 TFEU. The General Court disregarded the fact that Paragraph 8c(1a) of the Körperschaftsteuergesetz (Law on corporation tax; 'the KStG'), the 'restructuring clause', is not selective:

— The 'restructuring clause' is not *a priori* selective, since it does not provide for any derogation from the relevant system of reference and is a general provision capable of benefiting any undertaking in the territory of the Member State.

— The 'restructuring clause' is also justified by the nature and inner logic of the tax system. The restructuring clause is justified, first, by the principle of taxation according to economic ability to pay, second, by the objective of tackling abuse, namely in preventing abusive structuring, and, third, by the objective differences between a harmful acquisition of a shareholding and an acquisition of a shareholding for the purposes of restructuring.

Reference for a preliminary ruling from Court of Appeal (England & Wales) (Civil Division) (United Kingdom) made on 18 April 2016 — C. King v The Sash Window Workshop Ltd, Richard Dollar

(Case C-214/16)

(2016/C 222/08)

Language of the case: English

Referring court

Court of Appeal (England & Wales) (Civil Division)

Parties to the main proceedings

Applicant: C. King

Defendants: The Sash Window Workshop Ltd, Richard Dollar

Questions referred

(1) If there is a dispute between a worker and employer as to whether the worker is entitled to annual leave with pay pursuant to article 7 of Directive 2003/88 ([1]), is it compatible with EU law, and in particular the principle of effective remedy, if the worker has to take leave first before being able to establish whether he is entitled to be paid?

(2) If the worker does not take all or some of the annual leave to which he is entitled in the leave year when any right should be exercised, in circumstances where he would have done so but for the fact that the employer refuses to pay him for any period of leave he takes, can the worker claim that he is prevented from exercising his right to paid leave such that the right carries over until he has the opportunity to exercise it?

(3) If the right carries over, does it do so indefinitely or is there a limited period for exercising the carried-over right by analogy with the limitations imposed where the worker is unable to exercise the right to leave in the relevant leave year because of sickness?

(4) If there is no statutory or contractual provision specifying a carry-over period, is the court obliged to impose a limit to the carry-over period in order to ensure that the application of the Regulations does not distort the purpose behind article 7?

(5) If so, is a period of 18 months following the end of the holiday year in which the leave accrued compatible with the article 7 right?

([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 L 299, p. 9

Request for a preliminary ruling from the Efeteio Athinon (Greece) lodged on 18 April 2016 — European Commission v Dimos Zagoriou

(Case C-217/16)

(2016/C 222/09)

Language of the case: Greek

Referring court

Efeteio Athinon (Greece)

Parties to the main proceedings

Appellant: European Commission

Respondent: Dimos Zagoriou

Questions referred

1. What is the nature of the acts of the European Commission when it exercises its powers pursuant to Regulations No 2052/88, ([1]) No 4253/88 ([2]) and No 4256/88 ([3]) and, more specifically, are those acts of the Commission acts of public law and do they give rise to administrative disputes as to the substance in any event, in particular where the subject matter of the attachment by the European Commission of assets held by a third party is a private debt, whereas the initial debt for whose satisfaction enforcement is proceeded with derives from a legal relationship governed by public law which has arisen from the foregoing acts of the European Commission, or are they acts of private law and do they give rise to private disputes?

2. Having regard to the fact that, under Article 299 TFEU, enforcement of acts of the European Commission which impose a pecuniary obligation on persons other than Member States is to be governed by the rules of civil procedure in force in the State in the territory of which enforcement is proceeded with and that, under that article, the courts of the country concerned are to have jurisdiction over complaints that enforcement is being carried out in an irregular manner, how is the jurisdiction of the national courts over disputes which arise from such enforcement determined, when under national law those disputes are administrative disputes as to the substance, that is to say, when the underlying relationship is one of public law?

3. In the case of enforcement of acts of the European Commission which are adopted pursuant to Regulations No 2052/88, No 4253/88 and No 4256/88 and impose a pecuniary obligation on a person other than Member States, is the capacity to be made a defendant that is possessed by the person liable assessed on the basis of national law or of Community law?

4. When the person liable to discharge a pecuniary obligation stemming from an act of the European Commission adopted pursuant to Regulations No 2052/88, No 4253/88 and No 4258/88 is a community undertaking, which subsequently was wound up, does the community which owns that undertaking owe an obligation to discharge that pecuniary obligation to the European Commission under the foregoing regulations?

([1]) OJ 1988 L 185, p. 9.
([2]) OJ 1988 L 374, p. 1.
([3]) OJ 1988 L 374, p. 25.

Appeal brought on 19 April 2016 by GFKL Financial Services GmbH, formerly GFKL Financial Services AG, against the judgment of the General Court (Ninth Chamber) of 4 February 2016 in Case T-620/11 *GFKL Financial Services AG* v *European Commission*

(Case C-219/16 P)

(2016/C 222/10)

Language of the case: German

Parties

Appellant: GFKL Financial Services GmbH, formerly GFKL Financial Services AG (represented by: Dr M Schweda, J. Eggers, Dr M. Knebelsberger, Dr F. Loose, Rechtsanwälte)

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

Form of order sought

The appellant claims that the Court should:

1. set aside the judgment of the General Court of the European Union (Ninth Chamber) of 4 February 2016 in Case T-620/11 in so far as that judgment dismissed the action as unfounded; and

   annul Commission Decision of 26 January 2011 on State aid C 7/10 (ex CP 250/09 and NN 5/10) implemented by Germany — Scheme for the carry-forward of tax losses in the case of restructuring of companies in difficulty (Sanierungsklausel), ([1]) document C(2011) 275;

2. in the alternative, set aside the judgment of the General Court of the European Union (Ninth Chamber) of 4 February 2016 in Case T-620/11 in so far as that judgment dismissed the action as unfounded, and refer the case back to the General Court;

3. order the respondent to pay the costs of the proceedings.

Grounds of appeal and main arguments

By its appeal, the appellant contests the characterisation as selective State aid of the restructuring clause (Sanierungsklausel) in Paragraph 8c(1a) of the Law on corporation tax (Körperschaftsteuergesetz; 'the KStG').

The appellant founds its appeal on two grounds of appeal:

First ground of appeal: infringement of Article 107(1) TFEU

The restructuring clause is not a selective measure and therefore does not have the character of State aid within the meaning of the first paragraph of Article 107 TFEU.

— The General Court erred in proceeding from the premiss that the derogation in Paragraph 8c(1) of the KStG, under which, in certain cases of acquisitions of a shareholding, losses *prima facie* capable of being carried forward are extinguished, is part of the system of reference. In reality, that provision provides an exception to the system of reference. The system of reference consists in the general possibility of carrying losses forward into later tax periods.

— The restructuring clause is also of general application in so far as it does not confer any selective advantage. There are significant differences between undertakings in difficulty, which fall under the scope of the restructuring clause, and all other undertakings, in particular those that are economically healthy, so that those two groups of undertakings are not in a comparable situation. Furthermore, with regard to its assessment of equal treatment, the General Court reasoned on the basis of a purely hypothetical situation; the comparable group to which the General Court had regard scarcely occurs in legal reality.

— Nor does the restructuring clause favour 'certain undertakings or the production of certain goods'. The restructuring clause is potentially open to all undertakings and does not exclude *a priori* any group of undertakings. Its application is not connected to a 'specific type' of undertaking, but to an economic mechanism, namely a 'restructuring acquisition'.

— The restructuring clause can moreover be justified by the nature and the general aims of the German tax system. It facilitates the implementation of fundamental principles of German corporation tax law, such as the principle of loss carry-forward, the principle of taxation according to economic ability to pay and the general tax purpose of ensuring sustainable tax revenue.

Second ground of appeal: infringement of the principle of the protection of legitimate expectations

The judgment of the General Court infringes the principle of EU law of the protection of legitimate expectations. The alleged character of the restructuring clause as aid was not apparent as such even to the most diligent economic operator. Comparable rules in Germany or other EU Member States have never been objected to by the Commission as contrary to the State aid rules.

(1) OJ 2011 L 235, p. 26.

Appeal brought on 2 May 2016 by Ludwig-Bölkow-Systemtechnik GmbH against the judgment of the General Court (Fourth Chamber) of 19 February 2016 in Case T-53/14 *Ludwig-Bölkow-Systemtechnik* v *Commission*

(Case C-250/16 P)

(2016/C 222/11)

Language of the case: German

Parties

Appellant: Ludwig-Bölkow-Systemtechnik GmbH (represented by: M. Núñez Müller, Rechtsanwalt)

Other party to the proceedings: European Commission

Form of order sought

The appellant claims that the Court should:

— set aside point 3 of the operative part of the judgment under appeal, in which the action in Case T-53/14 was dismissed as to the remainder, and the decision on costs in that regard in point 4;

— amend point 2 of the operative part of the judgment under appeal, in which the amounts owed as liquidated damages by Ludwig-Bölkow-Systemtechnik GmbH were reduced to 10 % of the advances to be reimbursed, to the effect that Ludwig-Bölkow-Systemtechnik GmbH does not owe any amount as liquidated damages;

— order the Commission to pay the costs incurred both in the appeal and — as an addition to point 4 of the operative part of the judgment under appeal — at first instance in Case T-53/14.

Grounds of appeal and main arguments

By the appeal, the appellant does *not* contest point 1 of the operative part of the judgment of the General Court in Case T-53/14 in which the General Court held that there was no longer any need to adjudicate on the second and third heads of claim. *Nor* does the appellant contest point 2 of the operative part of the judgment of the General Court in Case T-53/14 in so far as the General Court reduced the amounts owed as liquidated damages to 10 % of the advances to be reimbursed for the HyWays, HyApproval and HarmonHy projects; point 2 of the operative part of the judgment is contested only in so far as it did not, as sought in the application, reduce the amounts payable as liquidated damages to zero. Point 3 of the operative part of the judgment is contested in so far as the General Court dismissed the first and (in part) the fourth heads of claim. Point 4 of the operative part of the judgment is contested in so far as the success of the action must lead to a different ruling on costs and in so far as the General Court did not, as applied for by the appellant, order the Commission to pay the costs relating to the heads of claim on which it was found that there was no need to adjudicate.

The appellant submits that the judgment under appeal infringes the obligation to state reasons under Article 36 and Article 53(1) of the Statute of the Court of Justice, the principle of good faith, the prohibition on distortion of the evidence and the applicable Belgian law.

The judgment under appeal infringes the obligation to state reasons since the General Court erred in law in proceeding from the premiss without any substantive justification that the method used by the appellant for calculating the hourly rate capable of being reimbursed as costs led to the Commission participating in covering global costs independently of the projects.

Furthermore, the judgment under appeal infringes the general legal principle of good faith, since the lack of clarity in the general terms and conditions of the contracts at issue should have been interpreted against the Commission and in favour of the appellant, rather than transferring the risk in their application to the appellant.

The judgment under appeal also infringes the prohibition of distortion of the evidence, since the assessment of the appellant's presentation of the facts at first instance is manifestly incorrect.

The judgment under appeal equally infringes mandatory rules of the applicable Belgian law and the principle of the right to effective judicial protection, since it wrongly upholds an 'unambiguous' interpretation of the general terms and conditions and thereby excludes the application of Belgian law.

Lastly, the judgment under appeal also infringes the obligation to state reasons and the applicable law, since it recognises, in connection with the liability to pay liquidated damages, that Article II.30 of the general terms and conditions infringes mandatory rules of Belgian law, yet does not conclude that Article II.30 of the general terms and conditions is inapplicable but errs in law in making a reduction in damages which preserves that article's validity.

GENERAL COURT

Judgment of the General Court of 10 May 2016 — Izsák and Dabis v Commission

(Case T-529/13) ([1])

(Law governing the institutions — European citizens' initiative — Cohesion policy — National minority regions — Refusal of registration — Manifest lack of powers of the Commission — Article 4(2)(b) and 4 (3) of Regulation (EU) No 211/2011)

(2016/C 222/12)

Language of the case: Hungarian

Parties

Applicants: Balázs-Árpád Izsák (Târgu Mureş, Romania) and Attila Dabis (Budapest, Hungary) (represented initially by J. Tordáné dr. Petneházy and subsequently by D. Sobor, lawyers)

Defendant: European Commission (represented initially by H. Krämer, K. Talabér-Ritz, A. Steiblytė and P. Hetsch, and subsequently by K. Talabér-Ritz, K. Banks, H. Krämer and B.-R. Killman, acting as Agents)

Intervener in support of the applicants: Hungary (represented by: M. Fehér, G. Szima and G. Koós, acting as Agents)

Intervener in support of the defendant: Hellenic Republic (represented by: E.-M. Mamouna, acting as Agent), Romania (represented by: R. Radu, R. Haţieganu, D. Bulancea and M. Bejenar, acting as Agents) and Slovak Republic (represented by: B. Ricziová, acting as Agent)

Re:

Application for annulment of Commission Decision C(2013) 4975 final of 25 July 2013 rejecting the application for registration of the proposed European citizens' initiative.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Mr Balázs-Árpád Izsák and Mr Attila Dabis to bear their own costs and to pay those incurred by the European Commission;*

3. *Orders Hungary, the Hellenic Republic, Romania and the Slovak Republic to bear their own costs.*

([1]) OJ C 24, 25.1.2014.

Judgment of the General Court of 10 May 2016 — Mikhalchanka v Council

(Case T-693/13) ([1])

(Common foreign and security policy — Restrictive measures taken against Belarus — Freezing of funds and economic resources — Restrictions on entry into, and transit through, the territory of the European Union — Retention of the applicant's name on the list of persons concerned — Journalist — Rights of defence — Obligation to state reasons — Error of assessment)

(2016/C 222/13)

Language of the case: French

Parties

Applicant: Aliaksei Mikhalchanka (Minsk, Belarus) (represented by: M. Michalauskas, lawyer)

Defendant: Council of the European Union (represented by: J.-P. Hix and F. Naert, acting as Agents)

Re:

Application under Article 263 TFEU for annulment of Council Decision 2013/534/CFSP of 29 October 2013 amending Decision 2012/642/CFSP concerning restrictive measures against Belarus (OJ 2013 L 288, p. 69) and of Council Implementing Regulation (EU) No 1054/2013 of 29 October 2013 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus (OJ 2013 L 288, p. 1)

Operative part of the judgment

The Court hereby:

1. *Dismisses the application of the Council of the European Union for a ruling that there is no need to adjudicate;*

2. *Annuls, in so far as they concern Mr Aliaksei Mikhalchanka:*

— *Council Decision 2013/534/CFSP of 29 October 2013 amending Decision 2012/642/CFSP concerning restrictive measures against Belarus;*

— *Council Implementing Regulation (EU) No 1054/2013 of 29 October 2013 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus;*

3. *Orders the Council to bear its own costs and to pay those incurred by Mr Mikhalchanka.*

([1]) OJ C 93, 29.3.2014.

Judgment of the General Court of 3 May 2016 — Iran Insurance v Council

(Case T-63/14) ([1])

(Common foreign and security policy — Restrictive measures adopted against Iran with the aim of preventing nuclear proliferation — Freezing of funds — Plea of illegality — Article 46(2) of Regulation (EU) No 267/2012 — Article 215 TFEU — Article 20(1)(c) of Decision 2010/413/CFSP, as amended by Article 1(7) of Decision 2012/35/CFSP — Article 23(2)(d) of Regulation No 267/2012 — Fundamental rights — Articles 2 TEU, 21 TEU and 23 TEU — Articles 17 and 52 of the Charter of Fundamental Rights — Error of assessment — Equal treatment — Non-discrimination — Principle of sound administration — Obligation to state reasons — Misuse of powers — Legitimate expectations — Proportionality)

(2016/C 222/14)

Language of the case: English

Parties

Applicant: Iran Insurance Company (Tehran, Iran) (represented by: D. Luff, lawyer)

Defendant: Council of the European Union (represented by: I. Rodios and M. Bishop, acting as Agents)

Intervener in support of the defendant: European Commission (represented by: F. Castillo de la Torre and D. Gauci, acting as Agents)

Re:

Application firstly for annulment, under Article 263 TFEU and Article 275 TFEU, of Council Decision 2013/661/CFSP of 15 November 2013 amending Decision 2010/413/CFSP concerning restrictive measures against Iran (OJ 2013 L 306, p. 18) and of Council Implementing Regulation (EU) No 1154/2013 of 15 November 2013 implementing Regulation (EU) No 267/2012 concerning restrictive measures against Iran (OJ 2013 L 306, p. 3), in so far as they concern the applicant, and secondly for a declaration, under Article 277 TFEU, of the inapplicability as regards the applicant of Article 20(1)(c) of Council Decision 2010/413/CFSP of 26 July 2010 concerning restrictive measures against Iran and repealing Common Position 2007/140/CFSP (OJ 2010 L 195, p. 39) as amended by Article 1(7) of Council Decision 2012/35/CFSP of 23 January 2012 (OJ 2012 L 19, p. 22) and of Article 23(2)(d) and Article 46(2) of Council Regulation (EU) No 267/2012 of 23 March 2012 concerning restrictive measures against Iran and repealing Regulation (EU) No 961/2010 (OJ 2012 L 88, p. 1).

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Iran Insurance Company to pay the costs.*

([1]) OJ C 78, 15.3.2014.

Judgment of the General Court of 3 May 2016 — Post Bank Iran v Council

(Case T-68/14) ([1])

(Common foreign and security policy — Restrictive measures adopted against Iran with the aim of preventing nuclear proliferation — Freezing of funds — Plea of illegality — Article 46(2) of Regulation (EU) No 267/2012 — Article 215 TFEU — Article 20(1)(c) of Decision 2010/413/CFSP, as amended by Article 1(7) of Decision 2012/35/CFSP — Article 23(2)(d) of Regulation No 267/2012 — Fundamental rights — Articles 2 TEU, 21 TEU and 23 TEU — Articles 17 and 52 of the Charter of Fundamental Rights — Error of assessment — Equal treatment — Non-discrimination — Principle of sound administration — Obligation to state reasons — Misuse of powers — Legitimate expectations — Proportionality)

(2016/C 222/15)

Language of the case: English

Parties

Applicant: Post Bank Iran (Tehran, Iran) (represented by: D. Luff, avocat)

Defendant: Council of the European Union (represented by: I. Rodios and M. Bishop, acting as Agents)

Intervener in support of the defendant: European Commission (represented by: F. Castillo de la Torre and D. Gauci, acting as Agents)

Re:

Application firstly for annulment, under Article 263 TFEU and Article 275 TFEU of Council Decision 2013/661/CFSP of 15 November 2013 amending Decision 2010/413/CFSP concerning restrictive measures against Iran (OJ 2013 L 306, p. 18) and of Council Implementing Regulation (EU) No 1154/2013 of 15 November 2013 implementing Regulation (EU) No 267/2012 concerning restrictive measures against Iran (OJ 2013 L 306, p. 3), in so far as they concern the applicant, and secondly for a declaration, under Article 277 TFEU, of the inapplicability as regards the applicant of Article 20(1)(c) of Decision 2010/413, concerning restrictive measures against Iran and repealing Common Position 2007/140/CFSP (OJ 2010 L 195, p. 39) as amended by Article 1(7) of Council Decision 2012/35/CFSP of 23 January 2012 (OJ 2012 L 19, p. 22) and of Article 23(2)(d) and Article 46(2) of Council Regulation (EU) No 267/2012 of 23 March 2012 concerning restrictive measures against Iran and repealing Regulation (EU) No 961/2010 (OJ 2012 L 88, p. 1)

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Post Bank Iran to pay the costs.*

(1) OJ C 129, 28.4.2014.

Judgment of the General Court of 4 May 2016 — Andres and Others v ECB

(Case T-129/14 P) (1)

(Appeal — Civil service — ECB staff — Pensions — Reform of the pension insurance scheme — Freezing of the pension plan — Conditions of employment of ECB staff — Right of consultation — Difference in nature between a contractual employment relationship and an employment relationship covered by the Staff Regulations — Distortion — Error of law)

(2016/C 222/16)

Language of the case: French

Parties

Appellants: Carlos Andres (Frankfurt am Main, Germany) and the other 150 appellants whose names are listed in the annex to the judgment (represented by: L. Levi, lawyer)

Other party to the proceedings: European Central Bank (ECB) (represented initially by B. Ehlers and M. López Torres, and subsequently by B. Ehlers and F. Malfrère, acting as Agents, and by B. Wägenbaur, lawyer)

Re:

Appeal brought against the judgment of the Civil Service Tribunal of the European Union (Second Chamber) of 11 December 2013 in *Andres and Others* v *ECB* (F-15/10, EU:F:2013:194), seeking to have that judgment set aside.

Operative part of the judgment

The Court:

1. *Dismisses the appeal;*

2. *Orders Mr Carlos Andres and the other appellants whose names are listed in the annex to pay the costs.*

(1) OJ C 159, 26.5.2014.

Judgment of the General Court of 10 May 2016 — August Storck v EUIPO (Representation of a white and blue square-shaped packaging)

(Case T-806/14) (1)

(EU trade mark — International registration designating the European Union — Figurative mark representing white and blue square-shaped packaging — Absolute ground for refusal — No distinctive character — Article 7(1)(b) of Regulation (EC) No 207/2009)

(2016/C 222/17)

Language of the case: English

Parties

Applicant: August Storck KG (Berlin, Germany) (represented by: P. Goldenbaum, I. Rohr, T. Melchert and A.-C. Richter, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO) (represented by: V. Melgar and H. Kunz, acting as Agents)

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 8 September 2014 (Case R 644/2014-5), concerning the international registration designating the European Union of a figurative mark representing white and blue square-shaped packaging.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders August Storck KG to pay the costs.*

(1) OJ C 46, 9.2.2015.

Judgment of the General Court of 10 May 2016 — Germany v Commission

(Case T-47/15) (1)

(State aid — Renewable energy — Aid granted by certain provisions of the amended German law concerning renewable energy sources (EEG 2012) — Aid supporting renewable electricity and reduced EEG surcharge for energy-intensive users — Decision declaring the aid partially incompatible with the internal market — Concept of State aid — Advantage — State resources)

(2016/C 222/18)

Language of the case: German

Parties

Applicant: Federal Republic of Germany (represented initially by T. Henze and K. Petersen, and subsequently by T. Henze and K. Stranz, acting as Agents, and by T. Lübbig, lawyer)

Defendant: European Commission (represented initially by T. Maxian Rusche and R. Sauer, and subsequently by T. Maxian Rusche and K. Herrmann, acting as Agents)

Re:

Application under Article 263 TFEU for the annulment of Commission Decision (EU) 2015/1585 of 25 November 2014 on the aid scheme SA.33995 (2013/C) (ex 2013/NN) (implemented by Germany for the support of renewable electricity and of energy-intensive users) (OJ 2015 L 250, p. 122).

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders the Federal Republic of Germany to pay the costs.*

(1) OJ C 127, 20.4.2015.

Judgment of the General Court of 4 May 2016 — Bodegas Williams & Humbert v EUIPO — Central Hisumer (BOTANIC WILLIAMS & HUMBERT LONDON DRY GIN)

(Case T-193/15) (1)

(EU trade mark — Opposition proceedings — Application for EU figurative mark BOTANIC WILLIAMS & HUMBERT LONDON DRY GIN — Earlier EU word mark THE BOTANICALS — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2016/C 222/19)

Language of the case: Spanish

Parties

Applicant: Bodegas Williams & Humbert, SA (Jerez de la Frontera, Spain) (represented by: A. Gómez López, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO) (represented by: S. Palmero Cabezas, acting as Agent)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Central Hisumer, SL (Orihuela, Spain) (represented by: D. Garrido Jiménez, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 23 February 2015 (Case R 594/2014-4) relating to opposition proceedings between Central Hisumer and Bodegas Williams & Humbert.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Bodegas Williams & Humbert, SA to pay the costs.*

(1) OJ C 198, 15.6.2015.

Judgment of the General Court of 3 May 2016 — Laboratorios Ern v EUIPO — Werner (Dynamic Life)

(Case T-454/15) (1)

(EU trade mark — Opposition proceedings — Application for EU figurative mark Dynamic Life — Earlier national word mark DYNAMIN — Relative ground for refusal — No likelihood of confusion — Article 8 (1)(b) of Regulation (EC) No 207/2009)

(2016/C 222/20)

Language of the case: English

Parties

Applicant: Laboratorios Ern, SA (Barcelona, Spain) (represented by: M. Pérez Serres, R. Guerras Mazón, S. Correa Rodríguez and T. González Martínez, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO) (represented by: M. Rajh, acting as Agent)

Other party to the proceedings before the Board of Appeal of EUIPO: Matthias Werner (Neufahrn, Germany)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 27 May 2015 (Case R 441/2014-4), relating to opposition proceedings between Laboratorios Ern and Mr Werner.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Laboratorios Ern, SA, to pay the costs.*

(1) OJ C 320, 28.9.2015.

Judgment of the General Court of 3 May 2016 — Aranynektár v EUIPO — Naturval Apícola (Natür-bal)

(Case T-503/15) (1)

(EU trade mark — Opposition proceedings — Application for EU word mark Natür-bal — Earlier EU word mark NATURVAL — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2016/C 222/21)

Language of the case: English

Parties

Applicant: Aranynektár Termékgyártó és Kereskedelmi KFT (Dunavarsány, Hungary) (represented by: I. Molnár, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO) (represented by: S. Palmero Cabezas, acting as Agent)

Other party to the proceedings before the Board of Appeal of EUIPO, intervening before the General Court: Naturval Apícola, SL (Monserrat, Spain) (represented by: I. Valdelomar Serrano, D. Gabarre Armengol, G. Hinarejos Mulliez, E. Bayo de Gispert and J. Rodriguez Fuensalida, lawyers)

Re:

Action brought against the decision of the Second Board of Appeal of EUIPO of 17 June 2015 (Case R 1158/2014-2) concerning opposition proceedings between Naturval Apícola and Aranynektár Termékgyártó és Kereskedelmi

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Aranynektár Termékgyártó és Kereskedelmi KFT to pay the costs.*

(1) OJ C 354, 26.10.2015.

Order of the General Court of 19 April 2016 — ETAD v Commission

(Case T-419/11) ([1])

(State aid — Annulment of the contested measure — Action which has become devoid of purpose — No need to adjudicate)

(2016/C 222/22)

Language of the case: Greek

Parties

Applicant: Etaireia Akiniton Dimosiou AE (ETAD), formerly Ellinika Touristika Akinita AE (Athens, Greece) (represented by: N. Frangakis, lawyer)

Defendant: European Commission (represented by: D. Triantafyllou, H. van Vliet and M. Konstantinidis, acting as Agents)

Intervener in support of the applicant: Elliniko Kazino Kerkyras AE (Athens, Greece) (represented by: N. Frangakis, lawyer)

Intervener in support of the defendant: Koinopraxia Touristiki Loutrakiou AE OTA — Loutraki AE — Klab Otel Loutraki Kazino Touristikes kai Xenodocheiakes Epicheiriseis AE (Loutraki, Greece) (represented by: S. Pappas, lawyer)

Re:

Application for the annulment of Commission Decision 2011/716/EU of 24 May 2011 on State aid to certain Greek casinos C 16/10 (ex NN 22/10, ex CP 318/09) implemented by the Hellenic Republic (OJ L 285, p. 25).

Operative part of the order

The Court hereby orders:

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

2. *The European Commission shall pay its own costs and pay those incurred by Etaireia Akiniton Dimosiou AE (ETAD) and Elliniko Kazino Kerkyras.*

3. *Koinopraxia Touristiki Loutrakiou AE OTA — Loutraki AE — Klab Otel Loutraki Kazino Touristikes kai Xenodocheiakes Epicheiriseis AE shall pay their own costs.*

([1]) OJ C 282, 24.9.2011.

Order of the General Court of 26 April 2016 — EGBA and RGA v Commission

(Case T-238/14) ([1])

(Action for annulment — State aid — Gambling and betting — Aid envisaged by France for horse-racing companies — Parafiscal levy collected on online horse-race betting — Decision declaring the aid to be compatible with the internal market — Association — Lack of individual concern — Regulatory act entailing implementing measures — Inadmissibility)

(2016/C 222/23)

Language of the case: English

Parties

Applicants: European Gaming and Betting Association (EGBA) (Brussels, Belgium) and The Remote Gambling Association (RGA) (London, United Kingdom) (represented by: S.-P. Brankin, Solicitor, T. De Meese, E. Wijckmans and M. Mudrony, lawyers)

Defendant: European Commission (represented by: A. Bouchagiar and P.-J. Loewenthal, acting as Agents)

Intervener in support of the defendant: French Republic (represented by: D. Colas and J. Bousin, acting as Agents)

Re:

Application for annulment of Commission Decision 2014/19/EU of 19 June 2013 on State aid No SA.30753 (C 34/10) (ex N 140/10) which France is planning to implement for horse-racing companies (OJ 2014 L 14, p. 17).

Operative part of the order

1. *The action is dismissed.*

2. *European Gaming and Betting Association (EGBA) and The Remote Gambling Association (RGA) shall bear their own costs and pay those incurred by the European Commission.*

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

([1]) OJ C 212, 7.7.2014.

Order of the General Court of 20 April 2016 — Mezhdunaroden tsentar za izsledvane na maltsinstvata i kulturnite vzaimodeystvia v Commission

(Case T-819/14) ([1])

(Action for annulment — Contract concerning Union financial assistance in favour of a project seeking to improve the effectiveness of laws combatting discrimination (GendeRace project) — Debit note — Measure not open to challenge — Measure which is part of a purely contractual context from which it is inseparable — Inadmissibility)

(2016/C 222/24)

Language of the case: Bulgarian

Parties

Applicant: Fondatsia 'Mezhdunaroden tsentar za izsledvane na maltsinstvata i kulturnite vzaimodeystvia' (Sofia, Bulgaria) (represented by: H. Hristev, lawyer)

Defendant: European Commission (represented by: L. Di Paolo and V. Soloveytchnik, acting as Agents)

Re:

Application on the basis of Article 263 TFEU and seeking the annulment, first, of the decision contained in the Commission's letter of 22 August 2014 announcing the termination of the audit procedure and the suspension of the recovery of damages in the context of a grant agreement in support of a project and, secondly, of the debit note annexed to that letter and issued by the Commission in order to recover the sum of EUR 34 070,16 paid to the applicant in the context of that project.

Operative part of the order

The Court:

1. *Dismisses the action as inadmissible;*

2. *Orders each party to bear its own costs.*

(1) OJ C 89, 16.3.2015.

Order of the General Court of 20 April 2016 — Dima v EUIPO (Shape of a box consisting of two open cubes)

(Case T-326/15) (1)

(EU trade mark — Application for a three-dimensional EU trade mark — Form of a box consisting of two open cubes — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 207/2009 — Action manifestly lacking any foundation in law)

(2016/C 222/25)

Language of the case: German

Parties

Applicant: Dima Verwaltungs GmbH (Hamburg, Germany) (represented by: T. Kerkhoff, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO) (represented by: initially A. Graul and A. Schikfo, then A. Graul and M. Fischer acting as Agents)

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 20 April 2015 (Case R 2567/2014-5) concerning an application for registration of a three-dimensional sign consisting of the shape of a box composed of two open cubes as an EU trade mark.

Operative part of the order

1. *The action is dismissed.*

2. *Dima Verwaltungs GmbH is ordered to pay the costs.*

(1) OJ C 328, 5.10.2015.

Order of the General Court of 20 April 2016 — Dima v EUIPO (Shape of an open cubic box)

(Case T-383/15) (1)

(EU trade mark — Application for a three-dimensional EU trade mark — Form of an open cubic box — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 207/2009 — Action manifestly lacking any foundation in law)

(2016/C 222/26)

Language of the case: German

Parties

Applicant: Dima Verwaltungs GmbH (Hamburg, Germany) (represented by: T. Kerkhoff, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO) (represented by: A. Schikfo, acting as Agent)

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 27 March 2015 (Case R 2568/2014-5) concerning an application for registration of a three-dimensional sign consisting of the shape of an open cubic box as an EU trade mark.

Operative part of the order

1. *The action is dismissed.*

2. *Dima Verwaltungs GmbH is ordered to pay the costs.*

(1) OJ C 328, 5.10.2015.

Order of the General Court of 25 April 2016 — Filip Mikulik v Council

(Case T-520/15 P) (1)

(Appeal — Civil service — Officials — Recruitment — Dismissal at the end of the probationary period — Appeal in part manifestly inadmissible and in part manifestly unfounded)

(2016/C 222/27)

Language of the case: French

Parties

Appellant: Filip Mikulik (Prague, Czech Republic) (represented by: M. Velardo, lawyer)

Other party to the proceedings: Council of the European Union (represented by: M. Bauer and M. Veiga, acting as Agents)

Re:

Appeal against the judgment of the European Union Civil Service Tribunal (sitting as a single judge) of 25 June 2015 in *Mikulik* v *Council* (F 67/14, EU:F:2015:65), and seeking the annulment of that judgment.

Operative part of the order

The Court:

1. *dismisses the appeal;*

2. *orders Mr Filip Mikulik to pay the costs.*

(1) OJ C 354, 26.10.2015.

Action brought on 4 April 2016 — Corsini Santolaria v EUIPO — Molins Tura (biombo 13)

(Case T-145/16)

(2016/C 222/28)

Language in which the application was lodged: Spanish

Parties

Applicant: Laura Corsini Santolaria (Madrid, Spain) (represented by: P. Merino Baylos, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Maria Molins Tura (Barcelona, Spain)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Applicant

Trade mark at issue: EU figurative mark containing the word elements 'biombo 13' — Application for registration No 12 271 383

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 20 January 2016 in Case R 744/2015-5

Form of order sought

The applicant claims that the Court should:

— annul the contested decision in its entirety as regards Classes 25, 35 and 42 in respect of which registration is sought;

— order EUIPO to pay the costs.

Plea in law

— Infringement of Article 8(1)(b) of Regulation No 207/2009.

Action brought on 18 April 2016 — Puma v EUIPO — CMS (CMS Italy)

(Case T-161/16)

(2016/C 222/29)

Language in which the application was lodged: English

Parties

Applicant: Puma SE (Herzogenaurach, Germany) (represented by: P. González-Bueno Catalán de Ocón, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Costruzione Macchine Speciali Srl (CMS) (Alonte, Italy)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Other party to the proceedings before the Board of Appeal

Trade mark at issue: International registration designating the European Union in respect of the figurative mark containing the word elements 'CMS ITALY' — International registration designating the European Union No 1 150 538

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 29 January 2016 in Case R 229/2015-2

Form of order sought

The applicant claims that the Court should:

— annul the contested decision on the grounds that Article 8(5) EUTMR was not applied;

— order EUIPO and Costruzione Macchine Speciali Srl (CMS) to pay the costs.

Pleas in law

— Infringement of Articles 8(5), 76(1) and 76(2) of Regulation No 207/2009;

— Infringement of Rule 19(2) of Regulation No 2868/95;

— Infringement of the principles of legal security and sound administration.

Action brought on 18 April 2016 — Ryanair and Airport Marketing Services v Commission

(Case T-165/16)

(2016/C 222/30)

Language of the case: English

Parties

Applicants: Ryanair Ltd (Dublin, Ireland), Airport Marketing Services Ltd (Dublin) (represented by: G. Berrisch, E. Vahida and I. Metaxas-Maragkidis, lawyers, and B. Byrne, Solicitor)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

— annul Articles 1(4), and 2 to 4 of European Commission Decision (EU) 2016/287 of 15 October 2014 on State aid SA.26500 - 2012/C (ex 2011/NN, ex CP 227/2008) implemented by Germany for Flugplatz Altenburg-Nobitz GmbH and Ryanair Ltd (OJ 2016 L 59, p. 22); and

— order the Commission to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging that the decision violates Article 41 of the EU Charter of Fundamental Rights, the principle of good administration, and the applicants' rights of defence, as the Commission failed to allow the applicants to access the file of the investigation and to put them in a position where they could effectively make known their views.

2. Second plea in law, alleging a breach of Article 107(1) TFEU, because the Commission has failed to establish selectivity.

3. Third plea in law, alleging a breach of Article 107(1) TFEU because the Commission erroneously concluded that the arrangements between the airport and the applicants conferred an advantage on the applicants. The Commission erroneously refused to accept the comparator analysis proposed by the applicants and committed manifest errors of assessment and a failure to state reasons in its profitability analysis, by failing to attribute an appropriate value to the marketing services provided under the marketing services agreements; wrongly dismissing the rationale behind the airport's decision to purchase marketing services; erroneously dismissing the possibility that part of the marketing services may have been purchased for general interest purposes; basing its conclusions on incomplete, unreliable and inappropriate data for its calculation of profitability; and wrongly disregarding the wider benefits of the airport's Airport Services Agreement with Ryanair.

4. Fourth plea in law, alleging, on a subsidiary basis, a breach of Articles 107(1) and 108(2) TFEU, in that the Commission committed a manifest error of assessment and an error of law by finding that the aid to Ryanair and AMS was equal to the cumulated marginal losses of the airport (as calculated by the Commission) instead of the actual benefit to Ryanair and AMS. The Commission should have examined the extent to which the alleged benefit had actually been passed on to Ryanair's passengers. Further, it failed to quantify any competitive advantage that Ryanair enjoyed through the alleged aid, and it failed to explain properly why the recovery of the amount of aid specified in the decision was necessary to ensure the re-establishment of the situation prior to the grant of the aid.

Action brought on 20 April 2016 — Kofola ČeskoSlovensko v EUIPO — Mionetto (UGO)

(Case T-176/16)

(2016/C 222/31)

Language in which the application was lodged: English

Parties

Applicant: Kofola ČeskoSlovensko (Ostrava, Czech Republic) (represented by: L. Lorenc, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Mionetto SpA (Valdobbiadene, Italy)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Applicant

Trade mark at issue: EU figurative mark containing the word element 'UGO' — Application for registration No 11 541 851

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 22 February 2016 in Case R 2707/2014-4

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— order EUIPO to pay the costs.

Plea in law

— Infringement of Regulation No 207/2009 as amended and the rules of law relating to its application, in particular, incorrect consideration of the likelihood of confusion of the trademarks in question.

Action brought on 22 April 2016 — L'Oréal v EUIPO — Guinot (MASTER SMOKY)

(Case T-179/16)

(2016/C 222/32)

Language in which the application was lodged: French

Parties

Applicant: L'Oréal (Paris, France) (represented by: T. de Haan and P. Péters, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Guinot SAS (Paris, France)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Applicant

Trade mark at issue: EU word mark 'MASTER SMOKY' — Application for registration No 11 567 104

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 23 February 2016 in Case R 2905/2014-5

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— order EUIPO to pay the costs, including those incurred by the applicant for the purposes of the proceedings before the Fifth Board of Appeal of EUIPO.

Plea in law

— Infringement of Article 8(1)(b) read in conjunction with Article 75 of Regulation No 207/2009.

Action brought on 22 April 2016 — L'Oréal v EUIPO — Guinot (MASTER SHAPE)

(Case T-180/16)

(2016/C 222/33)

Language in which the application was lodged: French

Parties

Applicant: L'Oréal (Paris, France) (represented by: T. de Haan and P. Péters, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Guinot SAS (Paris, France)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Applicant

Trade mark at issue: EU word mark 'MASTER SHAPE' — Application for registration No 11 566 262

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 23 February 2016 in Case R 2907/2014-5

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— order EUIPO to pay the costs, including those incurred by the applicant for the purposes of the proceedings before the Fifth Board of Appeal of EUIPO.

Plea in law

— Infringement of Article 8(1)(b) read in conjunction with Article 75 of Regulation No 207/2009.

Action brought on 22 April 2016 — L'Oréal v EUIPO — Guinot (MASTER PRECISE)

(Case T-181/16)

(2016/C 222/34)

Language in which the application was lodged: French

Parties

Applicant: L'Oréal (Paris, France) (represented by: T. de Haan and P. Péters, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Guinot SAS (Paris, France)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Applicant

Trade mark at issue: EU word mark 'MASTER PRECISE' — Application for registration No 11 567 203

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 23 February 2016 in Case R 2911/2014-5

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— order EUIPO to pay the costs, including those incurred by the applicant for the purposes of the proceedings before the Fifth Board of Appeal of EUIPO.

Plea in law

— Infringement of Article 8(1)(b) read in conjunction with Article 75 of Regulation No 207/2009.

Action brought on 22 April 2016 — L'Oréal v EUIPO — Guinot (MASTER DUO)

(Case T-182/16)

(2016/C 222/35)

Language in which the application was lodged: French

Parties

Applicant: L'Oréal (Paris, France) (represented by: T. de Haan and P. Péters, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Guinot SAS (Paris, France)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Applicant

Trade mark at issue: EU word mark 'MASTER DUO' — Application for registration No 11 577 574

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 23 February 2016 in Case R 2916/2014-5

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— order EUIPO to pay the costs, including those incurred by the applicant for the purposes of the proceedings before the Fifth Board of Appeal of EUIPO.

Plea in law

— Infringement of Article 8(1)(b) read in conjunction with Article 75 of Regulation No 207/2009.

Action brought on 22 April 2016 — L'Oréal v EUIPO — Guinot (MASTER DRAMA)

(Case T-183/16)

(2016/C 222/36)

Language in which the application was lodged: French

Parties

Applicant: L'Oréal (Paris, France) (represented by: T. de Haan and P. Péters, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Guinot SAS (Paris, France)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Applicant

Trade mark at issue: EU word mark 'MASTER DRAMA' — Application for registration No 11 566 544

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 23 February 2016 in Case R 2500/2014-5

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— order EUIPO to pay the costs, including those incurred by the applicant for the purposes of the proceedings before the Fifth Board of Appeal of EUIPO.

Plea in law

— Infringement of Article 8(1)(b) read in conjunction with Article 75 of Regulation No 207/2009.

Action brought on 26 April 2016 — repowermap v EUIPO — Repower (REPOWER)

(Case T-188/16)

(2016/C 222/37)

Language in which the application was lodged: French

Parties

Applicant: repowermap.org (Bern, Switzerland) (represented by: P. González-Bueno Catalán de Ocón, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Repower AG (Brusio, Switzerland)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Other party to the proceedings before the Board of Appeal

Trade mark at issue: EU word mark 'REPOWER' — International registration No 1 020 351

Procedure before EUIPO: Proceedings for a declaration of invalidity

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 8 February 2016 in Case R 2311/2014-5

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— declare the trade mark at issue invalid for all of the services and goods not declared invalid by the contested decision, with the exception of the packaging and storage of goods (Class 39); travel arrangement (Class 39); fire-extinguishing apparatus (Class 9);

— order EUIPO and Repower AG to pay the costs.

Pleas in law

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

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

Action brought on 27 April 2016 — Azarov v Council

(Case T-190/16)

(2016/C 222/38)

Language of the case: German

Parties

Applicant: Mykola Yanovych Azarov (Kiev, Ukraine) (represented by: G. Lansky and A. Egger, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

— annul Council Decision (CFSP) 2016/318 of 4 March 2016 amending Decision 2014/119/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ 2016 L 60, p. 76) and Council Implementing Regulation (EU) 2016/311 of 4 March 2016 implementing Regulation (EU) No 208/2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ 2016 L 60, p. 1), in so far as they concern the applicant;

— terminate certain judicial measures, in particular:

  — questions to the Council;

  — the invitation to the Council to comment, in writing or orally, on certain aspects of the case;

  — requests for information to the Council and third parties, in particular to the Commission, EADS and Ukraine;

— the invitation to submit documents or pieces of evidence in connection with the case;

— order the Council to bear the costs of the proceedings.

Pleas in law and main arguments

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

1. First plea in law: Infringement of basic rights

   In the context of this plea in law, the applicant asserts the infringement of the right to property and the infringement of the freedom to conduct a business. In addition, he criticises the excessiveness of the restrictive measures imposed.

2. Second plea in law: Abuse of discretion

   In this regard, the applicant asserts inter alia that the Council misused its powers because, by imposing restrictive measures against the applicant, aims other than the consolidation and supporting of the rule of law and the respect of human rights in Ukraine were predominantly pursued.

3. Third plea in law: Infringement of the principle of sound administration

   In the context of this plea in law, the applicant complains in particular of the infringement of the right to impartial treatment, the infringement of the right to just or fair treatment and the infringement of the right to a careful investigation of the facts.

4. Fourth plea in law: Manifest errors of assessment

Action brought on 29 April 2016 — Klassisk investment v EUIPO (CLASSIC FINE FOODS)

(Case T-194/16)

(2016/C 222/39)

Language of the case: German

Parties

Applicant: Klassisk investment Ltd (Hong Kong, People's Republic of China) (represented by: J. Plate and R. Kaase, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before OHIM

Trade mark at issue: International registration of the figurative mark with the word components 'CLASSIC FINE FOODS' designating the European Union — International registration No 1 222 164

Contested decision: Decision of the First Board of Appeal of the EUIPO of 29 January 2016 in Case R 1970/2015-1

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— order the EUIPO to pay the costs, including the costs before the Board of Appeal.

Pleas in law

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

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

Action brought on 29 April 2016 — Banca Tercas v Commission

(Case T-196/16)

(2016/C 222/40)

Language of the case: Italian

Parties

Applicant: Tercas-Cassa di Risparmio della Provincia di Teramo S.p.A (Banca Tercas S.p.A) (Teramo, Italy) (represented by: A. Santa Maria, M. Crisostomo, E. Gambaro and F. Mazzocchi, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul European Commission Decision C(2015) 9526 final of 23 December 2015, notified to the applicant on 22 February 2016, on State aid SA.39451 (2015/C) (ex 2015/NN) implemented by Italy for Banca Tercas (Cassa di Risparmio della Provincia di Teramo S.p.A);

— in the alternative, for the reasons set out in the seventh plea in law, annul Articles 2, 3 and 4 of the decision referred to above;

— order the Commission to pay the costs.

Pleas in law and main arguments

The decision contested in the present action is the same as the decision contested in Case T-98/16, *Italy* v *Commission*.

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

1. By the first plea in law, Banca Tercas ('the applicant' or 'Tercas') complains that the Commission has infringed and misapplied Article 107(1) TFEU and Article 296 TFEU by failing to provide any and/or adequate reasons as regards whether the necessary requirements relating to 'State resources' and 'imputability to the State' have been met, in so far as the Commission gives priority to the analysis of the State resources criterion over the analysis of the imputability criterion and fails to verify independently whether the requirement relating to State resources, one of the criteria for establishing the existence of State aid for the purpose of Article 107(1) TFEU, has been met.

2. By the second plea in law, the applicant alleges that the Commission has infringed and misapplied Article 107(1) TFEU, as it has found, incorrectly, that there has been use of State resources by the Italian Interbank Deposit Protection Fund ('the Fund' or 'the IDPF'). According to the applicant, this constitutes a manifest error of assessment by the Commission, as the IDPF's resources cannot be regarded, in the light of the criteria established by the case-law of the Courts of the European Union, as being under public control or available to the Italian State. The Italian legislature has left it entirely to the guarantee schemes' discretion to determine both the aim and scope of any measures used as alternatives to reimbursing depositors and the concrete ways in which those measures are to be implemented. The alternative measures referred to in Article 29 of the Fund's Articles of Association may be activated by the Fund if it is foreseeable that the costs thereof will be lower than those arising from intervention in the event of liquidation; they would chiefly serve the associated banks' private interests and cannot be attributed to the exercise of a public mandate.

3. By the third plea in law, the applicant alleges infringement and misapplication of Article 107(1) TFEU in so far as the Commission considers that the measures in favour of Tercas are imputable to the Italian State. It maintains, in that regard, that the IDPF has made a voluntary commitment to such intervention and the argument put forward by the Commission, which describes the Bank of Italy as a body managing (purportedly) public resources, is incorrect and does not convey the true sense of the functions which are ascribed to that central bank under the Italian legal system. The activities of the Bank of Italy are aimed at verifying compliance with the principle of sound and prudent management, on the basis of a simple examination of lawfulness and regularity, without prejudice to the free individual choices of the persons supervised by that Bank. In addition, the specific evidence of intervention by the public authorities referred to by the Commission in connection with the intervention in favour of Tercas is manifestly incapable of supporting the conclusion reached by the Commission.

4. By the fourth plea in law, the applicant claims infringement of Article 107(1) TFEU in connection with the misapplication of the private operator in a market economy test. It argues in that regard that the Commission did not verify whether the IDPF's intervention satisfied the economic rationality test, in the light of the factors meticulously considered by the IDPF in its assessment of the future effects of potential intervention scenarios. In particular, it claims that the Commission did not verify whether, in similar circumstances, a private operator of a size comparable to the IDPF would have carried out economic transactions on a scale similar to those which have been contested by that institution. Lastly, the decision to exclude the costs of reimbursing depositors from the application of the private investor test — as an expression of the obligations which the State assumes as a public authority — is not justified in the present case and is in conflict with the most recent case-law of the Courts of the European Union.

5. By the fifth plea in law, the applicant sets out the reasons why the Commission made a manifest error of assessment in deeming the measures in question incompatible with the internal market. In particular, the Commission erred in finding that the devaluation of the subordinated debt, provided for *ratione temporis* only in its 2013 banking communication, is an essential requirement for any conclusion that the measures are compatible with the internal market. In particular, it did not take account of the legal impossibility of imposing burden-sharing on the part of the persons liable to pay that subordinated debt. In addition, the Commission failed to take into consideration the fact that the costs of intervention had already been substantially reduced by significant burden-sharing measures. The compatibility of the measures is also apparent from the plan for returning Tercas to a state of viability and from the presence of measures to limit the alleged distortion of competition arising following the IDPF's intervention. Therefore, the applicant also argues that there has been a manifest failure to make inquiries.

6. By the sixth plea in law, the applicant alleges that the Commission made a factual error and an incorrect legal classification in deeming the guarantee of EUR 30 000 000 to have been called on and in regarding such a measure as the equivalent of a non-repayable grant to Tercas and, therefore, as equivalent to State aid.

7. Lastly and in the alternative, by the seventh plea in law Tercas complains of infringement of Article 16(1) of Regulation (EU) No 2015/1589, on the ground that the Commission has ordered the Italian State to recover the aid notwithstanding the fact that this is contrary to the general EU principles of legal certainty, protection of legitimate expectations, and proportionality.

Action brought on 1 May 2016 — Interbank Deposit Protection Fund v Commission

(Case T-198/16)

(2016/C 222/41)

Language of the case: Italian

Parties

Applicant: Interbank Deposit Protection Fund (Rome, Italy) (represented by: M. Siragusa, G. Scassellati Sforzolini and G. Faella, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul European Commission Decision C(2015) 9526 final of 23 December 2015 on the State aid SA.39451 (2015/C) (ex 2015/NN);

— in the alternative, annul that decision in so far as it concerns the assessment and classification of the aid element inherent in measure 3;

— order the Commission to pay the costs;

— order any other measure, including any measure of inquiry, which it deems appropriate.

Pleas in law and main arguments

The decision contested in the present action is the same one contested in Case T-98/16, *Italy* v *Commission*, and Case T-196/16, *Banca Tercas* v *Commission*.

The pleas in law and main arguments are similar to those relied on in those two cases.

Action brought on 29 April 2016 — Gfi PSF v Commission

(Case T-200/16)

(2016/C 222/42)

Language of the case: French

Parties

Applicant: Gfi PSF Sàrl (Leudelange, Luxembourg) (represented by: F. Moyse, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the General Court should:

— annul the decision of the Publications Office of the European Union of 2 March 2016, the decision of 16 March 2016 and the decision of 22 April 2016 rejecting the applicant's tender submitted in the context of European public contract No 10573 'Development, maintenance, evolution and support services for Internet sites based on SharePoint technology and drafting services for publication on the Internet', published by notice of 17 December 2015, for Lot No 1 with a total value of EUR 2 005 704 over four years;

— order the Office to pay the applicant compensation for damage suffered in the amount of EUR 415 000;

— order the Office to pay the expenses incurred by the applicant and by the Office.

Pleas in law and main arguments

In support of the action, the applicant relies on two pleas in law, alleging an infringement of the obligation to state reasons and an infringement of Article 111(4)(b) of Regulation No 2015/1929 of the European Parliament and of the Council of 28 October 2015 amending Regulation (EU, Euratom) No 966/2012 on the financial rules applicable to the general budget of the Union (OJ 2015 L 286, p. 1).

Order of the General Court of 27 April 2016 — GDC Engineering v Commission

(Case T-614/11) ([1])

(2016/C 222/43)

Language of the case: German

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

([1]) OJ C 39, 11.2.2012.

Order of the General Court of 20 April 2016 — DHL Express (France) v EUIPO — Chronopost (WEBSHIPPING)

(Case T-142/15) ([1])

(2016/C 222/44)

Language of the case: French

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

([1]) OJ C 171, 26.5.2015.

Order of the General Court of 3 May 2016 — Lions Gate Entertainment v EUIPO (DIRTY DANCING)

(Case T-179/15) ([1])

(2016/C 222/45)

Language of the case: English

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

([1]) OJ C 190, 8.6.2015.

EUROPEAN UNION CIVIL SERVICE TRIBUNAL

Judgment of the Civil Service Tribunal (3rd Chamber) of 12 May 2016 — FS v EESC

(Case F-50/15) [1]

(Civil service — Temporary staff — Article 2(c) of the CEOS — Member of the temporary staff employed in order to carry out the duties of head of unit 'for a group of the European Economic and Social Committee' — Second paragraph of Article 44 of the Staff Regulations — Advancement in step granted retroactively at the end of a nine-month probationary period — Application by analogy to members of the temporary staff not provided for ratione temporis in the CEOS — Sui generis probationary period decided upon by contract outside the situations referred to in the CEOS — Extension of the contractual probationary period — Performance as head of unit held to be unsatisfactory — Reassignment to a non-management post — Entitlement to the advancement in step provided for in the second paragraph of Article 44 of the Staff Regulations)

(2016/C 222/46)

Language of the case: French

Parties

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

Defendant: European Economic and Social Committee (represented by: K. Gambino, X. Chamodraka, M. Pascua Mateo, A. Carvajal and L. Camarena Januzec, Agents, and B. Wägenbaur, lawyer)

Re:

Application for annulment of the decision not to confirm the applicant in his post at Head of Unit and an application for damages in respect of the material and non-material harm allegedly suffered.

Operative part of the judgment

The Tribunal:

1. *Annuls the decision of the President of the European Economic and Social Committee dated 25 May 2014, as supplemented by Addendum No. 2 to FS's employment contract, by which the authority empowered to conclude contracts of employment of the European Economic and Social Committee did not confirm her in her position as head of unit and reassigned her, with effect from 9 April 2014, to a non-management post;*

2. *Orders the European Economic and Social Committee to pay FS a sum of EUR 2 000 by way of compensation for the non-material harm she has suffered;*

3. *Dismisses the claims for damages as to the remainder;*

4. *Declares that the European Economic and Social Committee is to bear its own costs and orders it to pay the costs incurred by FS.*

[1] OJ C 190, 8/6/2015, p. 37.

Judgment of the Civil Service Tribunal (First Chamber) of 28 April 2016 — FY v Council

(Case F-76/15) [1]

(Civil service — Social security — Joint Sickness Insurance Scheme — Reimbursement of medical expenses — Reimbursement rate — Recognition of a serious illness — Criteria — Article 72 of the Staff Regulations and the General Implementing Provisions for the reimbursement of medical expenses)

(2016/C 222/47)

Language of the case: French

Parties

Applicant: FY (represented by: J.-N. Louis and N. de Montigny, lawyers)

Defendant: Council of the European Union (represented by: M. Bauer and M. Veiga, acting as Agents)

Re:

Application for annulment of the decision of the Brussels Settlements Office rejecting the application for extension of the recognition of the illness suffered by the applicant's son as a serious illness and for the medical expenses connected therewith to be reimbursed at 100 %.

Operative part of the judgment

The Tribunal:

1) *Annuls the decision of 8 April 2014 of the Brussels (Belgium) Settlements Office for the Joint Sickness Insurance Scheme rejecting the application for extension of the recognition, as a serious illness, of the illness suffered by FY's son;*

2) *Orders the Council of the European Union to bear its own costs and is ordered to pay the costs incurred by FY.*

[1] OJ C 245, 27/7/2015, p. 51.

Judgment of the Civil Service Tribunal (3rd Chamber) of 12 May 2016 — Guittet v Commission

(Case F-92/15) [1]

(Civil service — Former official — Social security — Accident — Article 73 of the Staff Regulations — Closure of the procedure — Fixing of rate of partial permanent invalidity — Payment supplementary to the lump sum paid in the event of partial permanent invalidity — Implementation of a judgment annulling a measure — Incurable and total deafness)

(2016/C 222/48)

Language of the case: French

Parties

Applicant: Christian Guittet (Cannes, France) (represented by: L. Levi and A. Tymen, lawyers)

Defendant: European Commission (represented by: T.S. Bohr, Agent, and C. Mélotte, lawyer)

Re:

Application for annulment, first, of the decision reassessing the rate of the applicant's partial permanent invalidity and, secondly, the decision partially rejecting the applicant's complaint, and an application seeking compensation in respect of the material and non-material harm allegedly suffered.

Operative part of the judgment

The Tribunal:

1. *Annuls the decision of 6 October 2014 closing the procedure opened under Article 73 of the Staff Regulations of Officials of the European Union following the accident of 8 December 2003, of which Mr Guittet was the victim, in so far as that decision fixed at 65 % the rate of partial permanent invalidity granted to Mr Guittet under Article 12 of the rules common to the institutions of the European Union on insurance against the risk of accident and of occupational disease, in the version in force prior to 1 January 2006;*

2. *Orders the European Commission to pay Mr Guittet the sum of EUR 5 000;*

3. *Dismisses the action as to the remainder;*

4. *Declares that the European Commission is to bear its own costs and orders it to pay the costs incurred by Mr Guittet.*

([1]) OJ C 294, 7/9/2015, p. 83.

Judgment of the Civil Service Tribunal (3rd Chamber) of 12 May 2016 — FS v EESC

(Case F-102/15) ([1])

(Civil service — Temporary staff — Article 41 of the Charter of Fundamental Rights — Right of every person to have access to his or her file — Access to documents concerning an attempt at mediation — Attempt at mediation initiated by the current president of the EESC and conducted under the auspices of a former president of the EESC — Right of access to the report drawn up at the end of the mediation procedure — Administrative investigation opened after the mediation procedure — Article 3 of Annex IX to the Staff Regulations)

(2016/C 222/49)

Language of the case: French

Parties

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

Defendant: European Economic and Social Committee (represented by: K. Gambino, X. Chamodraka, M. Pascua Mateo, A. Carvajal and L. Camarena Januzec, Agents, and B. Wägenbaur, lawyer)

Re:

Application for annulment of the decisions of the EESC rejecting the application for access to documents made by the applicant and an application for compensation in respect of the non-material harm allegedly incurred.

Operative part of the judgment

The Tribunal:

1. *Annuls the decision of 19 November 2014 of the president of the European Economic and Social Committee (EESC) in so far as it notifies the refusal to communicate to FS a report concerning her, drawn up by a former president of the EESC at the request of the current president of the EESC;*

2. *Declares the claims for annulment to be redundant as to the remainder;*

3. *Orders the European Economic and Social Committee to pay FS a sum of EUR 1 000 by way of compensation for the non-material harm she has suffered;*

4. *Declares that the European Economic and Social Committee is to bear its own costs and orders it to pay the costs incurred by FS.*

(1) OJ C 302, 14/9/2015, p. 70.

Order of the Civil Service Tribunal (3rd Chamber) of 4 May 2016 — Dun v Commission

(Case F-131/11) (1)

(Civil service — Members of the temporary staff — Pensions — Article 11(2) of Annex VIII to the Staff Regulations — Pension rights acquired, prior to entering the service of the EU, under a national pension scheme — Transfer to the EU pension scheme — Proposal by the AECE concerning the crediting of pensionable years not immediately accepted by the person concerned — New proposal concerning the crediting of pensionable years based on new general implementing provisions — Concept of an act having adverse effect — Manifest inadmissibility — Article 81 of the Rules of Procedure)

(2016/C 222/50)

Language of the case: French

Parties

Applicant: Peter Dun (Brussels, Belgium) (represented by: initially, D. de Abreu Caldas, A. Coolen, J.-N. Louis, É. Marchal and S. Orlandi, lawyers, then D. de Abreu Caldas, J.-N. Louis and S. Orlandi, lawyers, and lastly, J.-N. Louis, lawyer)

Defendant: European Commission (represented by: initially, D. Martin and J. Baquero Cruz, Agents, then J. Currall and G. Gattinara, Agents, then G. Gattinara, Agent, and lastly, G. Gattinara and F. Simonetti, Agents)

Re:

Application for annulment of the decision, made on the basis of the PMO's recalculated proposal, to transfer the applicant's pension rights acquired prior to entering the service of the Commission.

Operative part of the order

1. *The action is dismissed as inadmissible.*

2. *Peter Dun shall bear his own costs and pay the costs incurred by the European Commission.*

(1) OJ C 65, 3/3/2012, p. 23.

Order of the Civil Service Tribunal (1st Chamber) of 3 May 2016 — Kovács v Commission

(Case F-136/11) ([1])

(Civil service — Officials — Pensions — Article 11(2) of Annex VIII to the Staff Regulations — Pension rights acquired, prior to entering the service of the EU, under a national pension scheme — Transfer to the EU pension scheme — Initial proposal concerning the crediting of pensionable years made by the appointing authority and accepted by the person concerned — Withdrawal by the appointing authority of its initial proposal — New proposal concerning the crediting of pensionable years based on new general implementing provisions — Objection of inadmissibility — Concept of an act having adverse effect — Article 83 of the Rules of Procedure)

(2016/C 222/51)

Language of the case: French

Parties

Applicant: Zsuzsanna Kovács (Luxembourg, Luxembourg) (represented by: initially, D. de Abreu Caldas, A. Coolen, J.-N. Louis, É. Marchal, S. Orlandi and J.-N. Louis, lawyers, then D. de Abreu Caldas, S. Orlandi, and J.-N. Louis, lawyers, and lastly, J.-N. Louis, lawyer)

Defendant: European Commission (represented by: initially, D. Martin and J. Baquero Cruz, Agents, then J. Currall and G. Gattinara, Agents, then G. Gattinara, Agent, and lastly, G. Gattinara and F. Simonetti, Agents)

Re:

Application for annulment of the decision fixing the pension rights, acquired prior to entering the service, credited to the applicant under the EU pension scheme.

Operative part of the order

1. *The action is dismissed as inadmissible.*

2. *Zsuzsanna Kovács shall bear her own costs and pay the costs incurred by the European Commission.*

([1]) OJ C 65, 3/3/2012, p. 24.

Order of the Civil Service Tribunal (1st Chamber) of 3 May 2016 — Aprili and Kilian v Commission

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

(Civil service — Pensions — Article 11(2) of Annex VIII to the Staff Regulations — Pension rights acquired, prior to entering the service of the EU, under a national pension scheme — Transfer to the EU pension scheme — Proposal concerning the crediting of pensionable years, made by the appointing authority or the AECE, accepted by the person concerned — Withdrawal of that proposal — New proposal concerning the crediting of pensionable years based on new general implementing provisions — Objection of inadmissibility — Concept of an act having adverse effect — Article 83 of the Rules of Procedure)

(2016/C 222/52)

Language of the case: French

Parties

Applicants: Sophie Aprili (Pont-à-Celles, Belgium) and Karin Kilian (Brussels, Belgium) (represented by: initially, D. de Abreu Caldas, A. Coolen, J.-N. Louis, É. Marchal and S. Orlandi, lawyers, then D. de Abreu Caldas, J.-N. Louis and S. Orlandi, lawyers, and lastly, J.-N. Louis, lawyer)

Defendant: European Commission (represented by: initially, D. Martin and J. Baquero Cruz, Agents, then J. Currall and G. Gattinara, Agents, then G. Gattinara, Agent, and lastly, G. Gattinara and F. Simonetti, Agents)

Re:

Application for annulment of the decisions to transfer the applicants' pension rights, acquired prior to entering the service of the Commission, on the basis of the PMO's recalculated proposal.

Operative part of the order

1. *The action is dismissed as inadmissible.*

2. *Sophie Aprili and Karin Kilian shall bear their own costs and pay the costs incurred by the European Commission.*

(1) OJ C 138, 12/5/2012, p. 34.

Order of the Civil Service Tribunal (1st Chamber) of 3 May 2016 — Noël v Commission

(Case F-31/12) (1)

(Civil service — Officials — Pensions — Article 11(2) of Annex VIII to the Staff Regulations — Pension rights acquired, prior to entering the service of the EU, under a national pension scheme — Transfer to the EU pension scheme — Initial proposal concerning the crediting of pensionable years, made by the appointing authority and accepted by the person concerned — Withdrawal of that proposal — New proposal based on new general implementing provisions — Objection of inadmissibility — Concept of an act having adverse effect — Article 83 of the Rules of Procedure)

(2016/C 222/53)

Language of the case: French

Parties

Applicant: Marc Noël (Bergen, the Netherlands) (represented by: initially, D. de Abreu Caldas, A. Coolen, J.-N. Louis, É. Marchal and S. Orlandi, lawyers, then D. de Abreu Caldas, J.-N. Louis and S. Orlandi, lawyers, and lastly, J.-N. Louis, lawyer)

Defendant: European Commission (represented by: initially, D. Martin and J. Baquero Cruz, Agents, then J. Currall and G. Gattinara, Agents, then G. Gattinara, Agent, and lastly, G. Gattinara and F. Simonetti, Agents)

Re:

Application for annulment of the decisions to transfer the pension rights acquired prior to entering the service of the Commission on the basis of the PMO's recalculated proposition.

Operative part of the order

1. *The action is dismissed as inadmissible.*

2. *Marc Noël shall bear his own costs and pay the costs incurred by the European Commission.*

(1) OJ C 133, 5/5/2012, p. 31.

Order of the Civil Service Tribunal (3rd Chamber) of 4 May 2016 — Bouvret v Commission

(Case F-42/12) (1)

(Civil service — Officials — Pensions — Article 11(2) of Annex VIII to the Staff Regulations — Pension rights acquired, prior to entering the service of the EU, under a national pension scheme — Transfer to the EU pension scheme — Proposal concerning the crediting of pensionable years, accepted by the person concerned, based on new general implementing provisions — Objection of inadmissibility — Concept of an act having adverse effect — Article 83 of the Rules of Procedure)

(2016/C 222/54)

Language of the case: French

Parties

Applicant: Florence Bouvret (Brussels, Belgium) (represented by: initially, D. de Abreu Caldas, A. Coolen, J.-N. Louis, E. Marchal and S. Orlandi, lawyers, then D. de Abreu Caldas, J.-N. Louis and S. Orlandi, lawyers, and lastly, J.-N. Louis, lawyer)

Defendant: European Commission (represented by: initially, D. Martin and J. Baquero Cruz, Agents, then J. Currall and G. Gattinara, Agents, then G. Gattinara, Agent, and lastly, G. Gattinara and F. Simonetti, Agents)

Re:

Application for annulment of the proposal to transfer the applicant's pension rights acquired prior to entering the service of the Commission on the basis of calculations taking into account the new GIP entering into force after the applicant had submitted her application for the transfer.

Operative part of the order

1. *The action is dismissed as inadmissible.*

2. *Florence Bouvret shall bear her own costs and pay the costs incurred by the European Commission.*

(1) OJ C 184, 23/6/2012, p. 25.

Order of the Civil Service Tribunal (3rd Chamber) of 4 May 2016 — Maes and Strojwas v Commission

(Case F-44/12) [1]

(Civil service — Officials — Members of the contract staff — Pensions — Article 11(2) of Annex VIII to the Staff Regulations — Pension rights acquired, prior to entering the service of the EU, under a national pension scheme — Transfer to the EU pension scheme — Proposal concerning the crediting of pensionable years, made by the appointing authority or by the AECE, based on new general implementing provisions — Objection of inadmissibility — Concept of an act having adverse effect — Article 83 of the Rules of Procedure)

(2016/C 222/55)

Language of the case: French

Parties

Applicants: Olivier Maes (Bangkok, Thailand) and Michal Strojwas (Brussels, Belgium) (represented by: initially, D. de Abreu Caldas, A. Coolen, J.-N. Louis, E. Marchal and S. Orlandi, lawyers, then D. de Abreu Caldas, J.-N. Louis and S. Orlandi, lawyers, and lastly, J.-N. Louis, lawyer)

Defendant: European Commission (represented by: initially, D. Martin and J. Baquero Cruz, Agents, then J. Currall and G. Gattinara, Agents, then G. Gattinara, Agent, and lastly, G. Gattinara and F. Simonetti, Agents)

Re:

Application for annulment of the proposals to transfer the applicants' pension rights acquired prior to entering the service of the Commission on the basis of calculations taking into account the new GIP entering into force after they had submitted their applications for the transfer.

Operative part of the order

1. *The action is dismissed as inadmissible.*

2. *Olivier Maes and Michal Strojwas shall bear their own costs and pay the costs incurred by the European Commission.*

[1] OJ C 184, 23/6/2012, p. 25.

Order of the Civil Service Tribunal (Third Chamber) of 12 May 2016 — Chatel v Council

(Case F-91/14) [1]

(Civil service — Officials — Pensions — Article 11(2) of Annex VIII to the Staff Regulations — Pension rights acquired, before entering the service of the European Union, under a national pension scheme — Transfer to the EU's pension scheme — Proposal concerning additional pensionable years, accepted by the applicant, based on new General Implementing Provisions — Concept of measure adversely affecting a person — Manifest inadmissibility — Article 81 of the Rules of procedure)

(2016/C 222/56)

Language of the case: French

Parties

Applicant: Zlata Chatel (Brussels, Belgium) (represented by: initially D. de Abreu Caldas, M. de Abreu Caldas and J.-N. Louis, lawyers, then D. de Abreu Caldas and J.-N. Louis, lawyers, and, finally, J.-N. Louis, lawyer)

Defendant: Council of the European Union (represented by: M. Bauer and E. Rebasti, acting as Agents)

Re:

Application for annulment of the decision concerning the transfer of the applicants' pension rights to the European Union pension scheme applying the new GIP relating to Articles 11 and 12 of Annex VIII to the Staff Regulations.

Operative part of the order

1. *The action is dismissed as being manifestly inadmissible.*

2. *Each party shall bear its own costs.*

(1) OJ C 421 of 24/11/2014, p. 63.

Order of the Civil Service Tribunal (1st Chamber) of 28 April 2016 — Silva Rodriguez v Commission

(Case F-115/15) (1)

(Civil service — Officials — Pension — Calculation of pension rights — Management premium — Article 81 of the Rules of Procedure)

(2016/C 222/57)

Language of the case: French

Parties

Applicant: José Manuel Silva Rodriguez (Madrid, Spain) (represented by: N. de Montigny and J.-N. Louis, lawyers)

Defendant: European Commission (represented by: G. Gattinara and F. Simonetti, Agents)

Re:

Application seeking annulment of the Commission's decision limiting the applicant's pension rights; a declaration that the Conclusions of the Heads of Administration of 16 June 2005 are inapplicable inasmuch as they limit the bonus applied to the applicant's pension rights, and that the defendant be ordered to pay the applicant the retirement pension to which he is entitled.

Operative part of the order

1. *The action brought by Mr José Manuel Silva Rodriguez is dismissed as in part manifestly inadmissible and in part manifestly unfounded.*

2. *Mr Silva Rodriguez shall bear his own costs and pay the costs incurred by the European Commission.*

(1) OJ C 320 of 28/9/2015, p. 56.

Order of the Civil Service Tribunal of 4 may 2016 — Bandieri v Commission

(Case F-91/12) [1]

(2016/C 222/58)

Language of the case: French

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

[1] OJ C 331, 27/10/2012, p. 33.

Order of the Civil Service Tribunal of 29 April 2016 — Pedersen v Commission

(Case F-144/12) [1]

(2016/C 222/59)

Language of the case: French

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

[1] OJ C 26, 26/1/2013, p. 77.

Order of the Civil Service Tribunal of 29 April 2016 — Sommier v Commission

(Case F-147/12) [1]

(2016/C 222/60)

Language of the case: French

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

[1] OJ C 55, 23/2/2013, p. 26.

Order of the Civil Service Tribunal of 29 April 2016 — UB (*) v Commission

(Case F-35/13) [1]

(2016/C 222/61)

Language of the case: French

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

[1] OJ C 207, 20/7/2013, p. 58.

(*) Information erased or replaced within the framework of protection of personal data and/or confidentiality.

Order of the Civil Service Tribunal of 29 April 2016 — Zajdel-Syryczyńska v Commission

(Case F-38/13) [1]

(2016/C 222/62)

Language of the case: French

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

[1] OJ C 207, 20/7/2013, p. 59.

Order of the Civil Service Tribunal of 29 April 2016 — Sommier v Commission

(Case F-40/13) [1]

(2016/C 222/63)

Language of the case: French

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

[1] OJ C 207, 20/7/2013, p. 60.

Order of the Civil Service Tribunal of 4 May 2016 — Schmidt v Commission

(Case F-69/13) [1]

(2016/C 222/64)

Language of the case: French

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

[1] OJ C 274, 21/9/2013, p. 31.

Order of the Civil Service Tribunal of 29 April 2016 — Bandieri v Commission

(Case F-82/13) [1]

(2016/C 222/65)

Language of the case: French

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

[1] OJ C 325, 9/11/2013, p. 52.

Order of the Civil Service Tribunal of 29 April 2016 — Drewes-Wran v Commission

(Case F-84/13) [1]

(2016/C 222/66)

Language of the case: French

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

[1] OJ C 325, 9/11/2013, p. 52.

Order of the Civil Service Tribunal of 4 May 2016 — Corman v Commission

(Case F-92/13) [1]

(2016/C 222/67)

Language of the case: French

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

[1] OJ C 336, 16/11/2013, p. 32.

Order of the Civil Service Tribunal of 4 May 2016 — Jimenez Krause v Commission

(Case F-93/13) [1]

(2016/C 222/68)

Language of the case: French

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

[1] OJ C 336, 16/11/2013, p. 32.

Order of the Civil Service Tribunal of 4 May 2016 — Leon-Gonzalez v Commission

(Case F-116/13) [1]

(2016/C 222/69)

Language of the case: French

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

[1] OJ C 45, 15/2/214, p. 46.

Order of the Civil Service Tribunal of 4 May 2016 — Pangallo v Commission

(Case F-16/14) [1]

(2016/C 222/70)

Language of the case: French

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

[1] OJ C 175, 10/6/2014, p. 54.

Order of the Civil Service Tribunal of 4 May 2016 — Nill v Commission

(Case F-19/14) [1]

(2016/C 222/71)

Language of the case: French

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

[1] OJ C 184, 16/6/2014, p. 41.

Order of the Civil Service Tribunal of 2 May 2016 — Schmidt v Commission

(Case F-40/14) [1]

(2016/C 222/72)

Language of the case: French

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

[1] OJ C 292, 1/9/2014, p. 60.

Order of the Civil Service Tribunal of 4 May 2016 — Leon-Gonzalez and Vander Velde v Commission

(Case F-47/14) [1]

(2016/C 222/73)

Language of the case: French

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

[1] OJ C 212, 7/7/2014, p. 47.

Order of the Civil Service Tribunal of 4 May 2016 — Abeloos v Commission

(Case F-60/14) [1]

(2016/C 222/74)

Language of the case: French

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

[1] OJ C 421, 24/11/2014, p. 60.

Order of the Civil Service Tribunal of 4 May 2016 — Mota Alves and Others v Commission

(Case F-63/14) [1]

(2016/C 222/75)

Language of the case: French

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

[1] OJ C 421, 24/11/2014, p. 61.

Order of the Civil Service Tribunal of 4 May 2016 — Zareba v Commission

(Case F-66/14) [1]

(2016/C 222/76)

Language of the case: French

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

[1] OJ C 361, 13/10/2014, p. 32.

Order of the Civil Service Tribunal of 4 May 2016 — Glowacz-De-Chevilly v Commission

(Case F-107/14) [1]

(2016/C 222/77)

Language of the case: French

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

[1] OJ C 7, 12/1/2015, p. 53.

Order of the Civil Service Tribunal of 2 May 2016 — Nill v Commission

(Case F-110/14) [1]

(2016/C 222/78)

Language of the case: French

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

[1] OJ C 26, 26/1/2015, p. 46.

Order of the Civil Service Tribunal of 3 May 2016 — Pals v Commission

(Case F-95/15) [1]

(2016/C 222/79)

Language of the case: French

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

[1] OJ C 294, 7/9/2015, p. 84.

Order of the Civil Service Tribunal of 3 May 2016 — Grzebielec v Commission

(Case F-96/15) [1]

(2016/C 222/80)

Language of the case: French

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

[1] OJ C 294, 7/9/2015, p. 84.

Order of the Civil Service Tribunal of 3 May 2016 — Grzebielec v Commission

(Case F-110/15) [1]

(2016/C 222/81)

Language of the case: French

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

[1] OJ C 328, 5/10/2015, p. 36.

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