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⁽¹⁾ Confidential data removed.

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*(Notices)*NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND
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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 364/01)

Last publication

OJ C 350, 26.9.2016

Past publications

OJ C 343, 19.9.2016

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These texts are available on:

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

GENERAL COURT

Cases transferred to the General Court on 1 September 2016

(2016/C 364/02)

In accordance with Article 3 of Regulation (EU, Euratom) 2016/1192 of the European Parliament and of the Council of 6 July 2016 on the transfer to the General Court of jurisdiction at first instance in disputes between the European Union and its servants ⁽¹⁾, the cases listed in the first column of the table below, which were pending before the European Union Civil Service Tribunal on 31 August 2016, were transferred to the General Court on 1 September 2016.

These cases have been entered in the register of the General Court under the numbers indicated below.

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⁽¹⁾ OJ L 200, 26.7.2016, p. 137.

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| | OJ | Date | | |
| F-3/12 DEP | — | — | T-496/16 DEP | Marcuccio v Commission |
| F-17/12 DEP | — | — | T-497/16 DEP | Marcuccio v Commission |
| F-28/12 DEP | — | — | T-498/16 DEP | Marcuccio v Commission |
| F-58/12 DEP | — | — | T-499/16 DEP | Marcuccio v Commission |
| F-71/12 | C 319 | 20/10/2012 | T-500/16 | BZ v ECB |
| F-93/12 RENV | C 343 | 10/11/2012 | T-501/16 RENV | D'Agostino v Commission |
| F-132/12 | C 26 | 26/01/2013 | T-502/16 | Missir Mamachi di Lusignano and Others v Commission |
| F-15/13 | C 129 | 04/05/2013 | T-503/16 | Dulière v Commission |
| F-41/13 | C 207 | 20/07/2013 | T-504/16 | Bodson and Others v EIB |
| F-43/13 | C 207 | 20/07/2013 | T-505/16 | Badiola and Others v EIB |
| F-45/13 | C 207 | 20/07/2013 | T-506/16 | Bodson and Others v EIB |
| F-51/13 | C 226 | 03/08/2013 | T-507/16 | Baradel and Others v EIF |
| F-61/13 | C 274 | 21/09/2013 | T-508/16 | Bodson and Others v EIB |
| F-72/13 | C 274 | 21/09/2013 | T-509/16 | Baradel and Others v EIF |
| F-8/14 | C 85 | 22/03/2014 | T-510/16 | Dessi v EIB |
| F-23/14 | C 184 | 16/06/2014 | T-511/16 | Bermejo Garde v EESC |
| F-35/14 | C 184 | 16/06/2014 | T-512/16 | ED v EUIPO |
| F-59/14 DEP | — | — | T-513/16 DEP | Brune v Commission |
| F-74/14 | C 388 | 03/11/2014 | T-514/16 | Tsilikas v Commission |
| F-77/14 | C 395 | 10/11/2014 | T-515/16 | Kanellou v Council |
| F-85/14 | C 421 | 24/11/2014 | T-516/16 | Alvarez y Bejarano and Others v Commission |
| F-86/14 | C 388 | 03/11/2014 | T-517/16 | Janoha and Others v Commission |
| F-88/14 | C 7 | 12/01/2015 | T-518/16 | Carreras Sequeros and Others v Commission |

| Number of the case before the Civil Service Tribunal | Notice of registration of the case published in the Official Journal | | Number of the case before the General Court | Names of the parties |
|--|--|------------|---|---|
| | OJ | Date | | |
| F-91/14 DISS | C 421 | 24/11/2014 | T-519/16 | Piessevaux v Council |
| F-93/14 | C 7 | 12/01/2015 | T-520/16 | ED v EUIPO |
| F-98/14 | C 431 | 01/12/2014 | T-521/16 | Bergallou v Council |
| F-99/14 | C 448 | 15/12/2014 | T-522/16 | Nguyen v Council |
| F-100/14 | C 448 | 15/12/2014 | T-523/16 | Ardalic and Others v Council |
| F-106/14 | C 26 | 26/01/2015 | T-524/16 | Aresu v Commission |
| F-111/14 | C 7 | 12/01/2015 | T-525/16 | GQ and Others v Commission |
| F-113/14 | C 7 | 12/01/2015 | T-526/16 | FZ and Others v Commission |
| F-121/14 | C 7 | 12/01/2015 | T-527/16 | Tàpias v Council |
| F-122/14 | C 7 | 12/01/2015 | T-528/16 | OS v Commission |
| F-123/14 | C 7 | 12/01/2015 | T-529/16 | Feral v Committee of the Regions |
| F-4/15 | C 96 | 23/03/2015 | T-530/16 | Schubert and Others v Commission |
| F-7/15 | C 89 | 16/03/2015 | T-531/16 | Dumitrescu and Others v Commission |
| F-8/15 | C 89 | 16/03/2015 | T-532/16 | Perez Asinari and Cumbo Nacheli Vallecillo v Commission |
| F-10/15 | C 89 | 16/03/2015 | T-533/16 | Fillon and Others v Commission |
| F-11/15 | C 89 | 16/03/2015 | T-534/16 | Tsilikas v Commission |
| F-12/15 | C 89 | 16/03/2015 | T-535/16 | McGillivray v Commission |
| F-13/15 | C 89 | 16/03/2015 | T-536/16 | Alvarez y Bejarano and Others v Commission |
| F-14/15 | C 89 | 16/03/2015 | T-537/16 | Aycinena and Others v Commission |
| F-15/15 | C 127 | 20/04/2015 | T-538/16 | Schaffrin v Commission |
| F-16/15 | C 96 | 23/03/2015 | T-539/16 | GM and Others v Commission |
| F-18/15 | C 96 | 23/03/2015 | T-540/16 | FZ and Others v Commission |

| Number of the case before the Civil Service Tribunal | Notice of registration of the case published in the Official Journal | | Number of the case before the General Court | Names of the parties |
|--|--|------------|---|--|
| | OJ | Date | | |
| F-22/15 | C 127 | 20/04/2015 | T-541/16 | Guillen Lazo v Parliament |
| F-27/15 | C 127 | 20/04/2015 | T-542/16 | Ardalic and Others v Council |
| F-31/15 | C 146 | 04/05/2015 | T-543/16 | Carpenito v Council |
| F-32/15 | C 146 | 04/05/2015 | T-544/16 | Dumont du Voitel and Others v Council |
| F-36/15 | C 146 | 04/05/2015 | T-545/16 | Torrens and Maraite v Court of Justice of the European Union |
| F-42/15 | C 178 | 01/06/2015 | T-546/16 | Tataram v Commission |
| F-53/15 | C 190 | 08/06/2015 | T-547/16 | Miranda Garcia v Court of Justice of the European Union |
| F-63/15 | C 221 | 06/07/2015 | T-548/16 | Clarke v EUIPO |
| F-64/15 | C 221 | 06/07/2015 | T-549/16 | Papathanasiou v EUIPO |
| F-65/15 | C 221 | 06/07/2015 | T-550/16 | Dickmanns v EUIPO |
| F-74/15 | C 279 | 24/08/2015 | T-551/16 | Lucaccioni v Commission |
| F-75/15 | Not yet published | | T-552/16 | OT v Commission |
| F-78/15 | C 279 | 24/08/2015 | T-553/16 | von Blumenthal and Others v EIB |
| F-79/15 | C 279 | 24/08/2015 | T-554/16 | BZ v ECB |
| F-86/15 | C 279 | 24/08/2015 | T-555/16 | Teeäär v ECB |
| F-89/15 | C 279 | 24/08/2015 | T-556/16 | GX v Commission |
| F-97/15 | C 294 | 07/09/2015 | T-557/16 | Belis v Commission |
| F-99/15 | C 414 | 14/12/2015 | T-558/16 | von Blumenthal and Others v EIB |
| F-101/15 | C 302 | 14/09/2015 | T-559/16 | Durazzo v EEAS |
| F-116/15 | C 328 | 05/10/2015 | T-560/16 | Schneider v EUIPO |
| F-117/15 | C 328 | 05/10/2015 | T-561/16 | Galocha v Joint undertaking Fusion for Energy |

| Number of the case before the Civil Service Tribunal | Notice of registration of the case published in the Official Journal | | Number of the case before the General Court | Names of the parties |
|--|--|------------|---|-------------------------------------|
| | OJ | Date | | |
| F-119/15 | C 354 | 26/10/2015 | T-562/16 | Hanschmann v Europol |
| F-120/15 | C 354 | 26/10/2015 | T-563/16 | Knöll v Europol |
| F-130/15 | C 16 | 18/01/2016 | T-564/16 | Bowles v ECB |
| F-137/15 | C 27 | 25/01/2016 | T-565/16 | Maubert v Council |
| F-138/15 | C 27 | 25/01/2016 | T-566/16 | Josefsson v Parliament |
| F-139/15 | C 7 | 11/01/2016 | T-567/16 | McCoy v Committee of the Regions |
| F-140/15 | C 111 | 29/03/2016 | T-568/16 | Spagnolli and Others v Commission |
| F-141/15 | C 211 | 13/06/2016 | T-569/16 | OU v Commission |
| F-142/15 | C 27 | 25/01/2016 | T-570/16 | HF v Parliament |
| F-145/15 | C 111 | 29/03/2016 | T-571/16 | Pohl v EIB |
| F-148/15 | C 59 | 15/02/2016 | T-572/16 | Brouillard v Commission |
| F-150/15 | Not yet published | | T-573/16 | Pohl v EIB |
| F-151/15 | C 59 | 15/02/2016 | T-574/16 | HK v Commission |
| F-153/15 | C 111 | 29/03/2016 | T-575/16 | Martinez De Prins and Others v EEAS |
| F-4/16 | Not yet published | | T-576/16 | OT v Commission |
| F-6/16 | C 145 | 25/04/2016 | T-577/16 | Campo and Others v EEAS |
| F-7/16 | C 145 | 25/04/2016 | T-578/16 | Gillet v Commission |
| F-8/16 | C 145 | 25/04/2016 | T-579/16 | HJ v EMA |
| F-9/16 | C 145 | 25/04/2016 | T-580/16 | Azoulay and Others v Parliament |
| F-10/16 | C 191 | 30/05/2016 | T-581/16 | Popotas v European Ombudsman |
| F-11/16 | C 145 | 25/04/2016 | T-582/16 | Vankerckhoven-Kahmann v Commission |
| F-12/16 | C 165 | 10/05/2016 | T-583/16 | PG v Frontex |
| F-14/16 | C 165 | 10/05/2016 | T-584/16 | HF v Parliament |

| Number of the case before the Civil Service Tribunal | Notice of registration of the case published in the Official Journal | | Number of the case before the General Court | Names of the parties |
|--|--|------------|---|---|
| | OJ | Date | | |
| F-15/16 | C 191 | 30/05/2016 | T-585/16 | Skareby v EEAS |
| F-16/16 | C 191 | 30/05/2016 | T-586/16 | Vincenti v EUIPO |
| F-17/16 | C 191 | 30/05/2016 | T-587/16 | HM v Commission |
| F-18/16 | C 251 | 11/07/2016 | T-588/16 | HN v Commission |
| F-19/16 | C 243 | 04/07/2016 | T-589/16 | HS v EIB |
| F-20/16 | Not yet published | | T-590/16 | OV v Commission |
| F-21/16 | C 251 | 11/07/2016 | T-591/16 | Wahlström v Frontex |
| F-22/16 | C 251 | 11/07/2016 | T-592/16 | HQ v CPVO |
| F-23/16 | C 251 | 11/07/2016 | T-593/16 | Stips v Commission |
| F-24/16 | C 251 | 11/07/2016 | T-594/16 | Walton v Commission |
| F-25/16 | C 251 | 11/07/2016 | T-595/16 | HO v EEAS |
| F-26/16 | C 296 | 16/08/2016 | T-596/16 | HP v Commission and eu-LISA |
| F-27/16 | C 296 | 16/08/2016 | T-597/16 | OW v EASA |
| F-28/16 | C 296 | 16/08/2016 | T-598/16 | Pipiliagkas v Commission |
| F-29/16 | C 335 | 12/09/2016 | T-599/16 | Spagnolli and Others v Commission |
| F-30/16 | C 296 | 16/08/2016 | T-600/16 | Bandilla and Others v EIB |
| F-31/16 | C 296 | 16/08/2016 | T-601/16 | Paraskevaidis v Cedefop |
| F-32/16 | C 296 | 16/08/2016 | T-602/16 | CJ v ECDC |
| F-33/16 | C 296 | 16/08/2016 | T-603/16 | Brahma v Court of Justice of the European Union |
| F-34/16 | C 326 | 05/09/2016 | T-604/16 | HD v Parliament |
| F-35/16 | C 326 | 05/09/2016 | T-605/16 | OY v Commission |
| F-36/16 | C 335 | 12/09/2016 | T-606/16 | Pereira v Commission |
| F-37/16 | C 335 | 12/09/2016 | T-607/16 | OZ v EIB |

| Number of the case before the Civil Service Tribunal | Notice of registration of the case published in the Official Journal | | Number of the case before the General Court | Names of the parties |
|--|--|------|---|-----------------------|
| | OJ | Date | | |
| F-38/16 | Not yet published | | T-608/16 | PA v Parliament |
| F-39/16 | Not yet published | | T-609/16 | PB v Commission |
| F-40/16 AJ | — | — | T-610/16 AJ | PC v EASO |
| F-41/16 | Not yet published | | T-611/16 | Trautmann v EEAS |
| F-42/16 | Not yet published | | T-612/16 | Van Houtte v EIB |
| F-43/16 | Not yet published | | T-613/16 | PH v Commission |
| F-44/16 | Not yet published | | T-614/16 | Colin v Commission |
| F-45/16 | Not yet published | | T-615/16 | PD v EIB |
| F-46/16 | Not yet published | | T-616/16 | FE v Commission |
| F-47/16 | Not yet published | | T-617/16 | PF v Commission |
| F-48/16 | Not yet published | | T-618/16 | Dreimane v Commission |

V

(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Order of the Court (Sixth Chamber) of 7 July 2016 — HIT Groep BV v European Commission**(Case C-514/15 P) ⁽¹⁾*****(Appeal — Article 181 of the Rules of Procedure of the Court — Competition — Agreements, decisions and concerted practices — European prestressing steel market — Regulation (EC) No 1/2003 — Article 23(2) — Calculation of the amount of the fine — Upper limit of the fine — Total turnover in the ‘preceding business year’ — Reference to a business year other than the one preceding the adoption of the contested decision — Principle of proportionality)*****(2016/C 364/03)***Language of the case: Dutch***Parties***Appellant:* HIT Groep BV (represented by: G. van der Wal and L. Parret, advocaten)*Other party to the proceedings:* European Commission (represented by: P. Van Nuffel, S. Noë and V. Bottka, acting as Agents)**Operative part of the order**

1. *The appeal is dismissed.*
2. *Hit Groep BV shall pay the costs.*

⁽¹⁾ OJ C 398, 30.11.2015.

**Request for a preliminary ruling from the Szegedi Közigazgatási és Munkaügyi Bíróság (Hungary)
lodged on 19 July 2016 — Lombard Ingatlan Lízing Zrt. v Nemzeti Adó- és Vámhivatal Fellebbviteli
Igazgatóság**

(Case C-404/16)**(2016/C 364/04)***Language of the case: Hungarian***Referring court**

Szegedi Közigazgatási és Munkaügyi Bíróság

Parties to the main proceedings

Applicant: Lombard Ingtatlan Lízng Zrt.

Defendant: Nemzeti Adó- és Vámhivatal Fellebbviteli Igazgatóság

Questions referred

1. Is the concept of refusal in Article 90(1) of Directive 2006/112/EC ⁽¹⁾ of 28 November 2006 on the common system of value added tax ('the VAT Directive') to be interpreted as including a situation in which, under a closed-end financial leasing agreement, the lessor under the lease ('the lessor') may no longer claim payment of the leasing instalment from the lessee under the lease ('the lessee') because the lessor has terminated the agreement owing to breach of contract by the lessee?
2. If the answer is in the affirmative, may the lessor, in accordance with Article 90(1) of the VAT Directive, reduce the taxable amount, even if the national legislature, availing itself of the option provided in Article 90(2) of the VAT Directive, has not allowed reduction of the taxable amount in the event of total or partial non-payment?

⁽¹⁾ OJ 2006 L 347, p. 1.

Appeal brought on 22 July 2016 by Holistic Innovation Institute, SLU against the judgment of the General Court (Sixth Chamber) delivered on 12 May 2016 in Case T-468/14 Holistic Innovation Institute v Commission

(Case C-411/16 P)

(2016/C 364/05)

Language of the case: Spanish

Parties

Appellant: Holistic Innovation Institute, SLU (represented by: J.J. Marín López, abogado)

Other party to the proceedings: European Commission

Form of order sought

The appellant claims that the Court of Justice should:

- Set aside the judgment of the General Court (Sixth Chamber) of 12 May 2016 in Case T-468/14 *Holistic Innovation Institute, SLU v Commission*, in so far as it held that the action for annulment of Commission Decision ARES (2014) 710158 of 13 March 2014, excluding the applicant's participation in the eDIGIREGION project, was brought before the General Court out of time;
- Refer the case back to the General Court for judgment on the substance of the action brought by Holistic Innovation Institute, SLU for annulment of Commission Decision ARES (2014) 710158 of 13 March 2014 excluding the applicant's participation in the eDIGIREGION project;
- Set aside the judgment of the General Court (Sixth Chamber) of 12 May 2016 in Case T-468/14 *Holistic Innovation Institute, SLU v Commission*, in so far as it dismissed the claim for compensation, and instead hold that the Commission must compensate the appellant in the terms set out in the application, or, should the Court of Justice uphold the two heads of claim set out previously, refer the case back to the General Court for it to adjudicate anew on the applicant's claim for compensation.

Pleas in law and main arguments

1. Error of law: the judgment under appeal failed to mention that the original of the application for annulment of the contested decision, lodged at the General Court Registry on 6 June 2014 (paragraph 29 of the judgment under appeal), was sent on 2 June 2014 from Pozuelo de Alarcón (Madrid), where the appellant has its registered office, by recorded delivery with acknowledgement of receipt.
2. Error of law: the judgment under appeal did not include an adequate statement of reasons since, first, it stated that the original of the application did not bear the handwritten signature of the applicant's lawyer, but only a copy of the lawyer's signature (paragraph 30) and, secondly, it denies any legal effect to the original of the application signed by the lawyer by way of a digital certificate (paragraph 35).
3. Error of law: in finding that the applicant's application for annulment was lodged out of time (paragraphs 29, 34 and 45), the judgment under appeal infringes the fundamental right to effective judicial protection enshrined in Article 47(1) of the Charter of Fundamental Rights of the European Union, understood in the light of Article 6(1) of the European Convention for the Protection of Human Rights and Fundamental Freedoms, signed at Rome on 4 November 1950, and of the case-law of the European Court of Human Rights interpreting Article 6(1).
4. Error of law: the judgment under appeal dismissed, in paragraphs 55, 59, 63 and 64 (relating to economic loss) and paragraphs 77 and 84 (relating to non-material damage), the claim for compensation lodged by the applicant.

Reference for a preliminary ruling from Supreme Court (Ireland) made on 4 August 2016 — Peter Nowak v Data Protection Commissioner**(Case C-434/16)**

(2016/C 364/06)

*Language of the case: English***Referring court**

Supreme Court

Parties to the main proceedings*Applicant:* Peter Nowak*Defendant:* Data Protection Commissioner**Questions referred**

1. Is information recorded in/as answers given by a candidate during a professional examination capable of being personal data within the meaning of Directive 95/46/EC ⁽¹⁾?
2. If the answer to Question 1 is that all or some of such information may be personal data within the meaning of the Directive, what factors are relevant in determining whether in any given case such script is personal data, and what weight should be given to such factors?

⁽¹⁾ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data
OJ L 281, p. 31

**Request for a preliminary ruling from the Spetsializiran nakazatelen sad (Bulgaria) lodged on
5 August 2016 — Criminal proceedings against Emil Milev**

(Case C-439/16)

(2016/C 364/07)

Language of the case: Bulgarian

Referring court

Spetsializiran nakazatelen sad

Party to the main proceedings

Emil Milev

Question referred

Is a domestic precedent — in particular a binding Opinion of the Varhoven Sad [(Bulgarian Supreme Court of Cassation; ‘the Supreme Court’)] (delivered after the adoption of Directive 2016/343 ⁽¹⁾ of 9 March 2016 but before the time limit for its transposition has passed), pursuant to which the Varhoven Sad [(Supreme Court)], after having established that there is a conflict between Article 5(4) of the Convention for the Protection of Human Rights and Fundamental Freedoms [(‘the ECHR’)], read in conjunction with Article 5(1)(c) thereof, and national legislation (Article 270(2) of the [Bulgarian] Criminal Procedure Code (Nakazatelno-protsesualen kodeks)) relating to the issue of whether to take into consideration the reasonable grounds for assuming that an offence was committed (within the context of a procedure for reviewing the extension of a coercive measure of ‘remand in custody’ during the litigation stage of criminal proceedings), grants to the courts dealing with the substance of the case the power to decide whether to comply with the [ECHR] — consistent with Article 3 of Directive 2016/343 of 9 March 2016 and Article 6 thereof (relating to the presumption of innocence and the burden of proof within the context of criminal proceedings)?

⁽¹⁾ Directive (EU) 2016/343 of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings (OJ 2016 L 65, p. 1).

Order of the President of the Fourth Chamber of the Court of 12 July 2016 (request for a preliminary ruling from the Consiglio di Stato — Italy) — Società LIS Srl, Società Cerutti Lorenzo Srl v Abbanoa SpA: in the presence of: Consorzio Stabile CSI — Consorzio Servizi Integrati Soc. cons. arl, Procelli Costruzioni Srl, Bondini Srl, Assisi Strade Srl

(Case C-287/15) ⁽¹⁾

(2016/C 364/08)

Language of the case: Italian

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

⁽¹⁾ OJ C 302, 14.9.2015.

GENERAL COURT

Appeal brought on 9 June 2016 by Valéria Anna Gyarmathy against the judgment of the Civil Service Tribunal of 18 May 2015 in Case F-79/13 Gyarmathy v EMCDDA

(Case T-297/16 P)

(2016/C 364/09)

Language of the case: English

Parties

Appellant: Valéria Anna Gyarmathy (Győr, Hungary) (represented by: A. Véghely, lawyer)

Other party to the proceedings: European Monitoring Centre for Drugs and Drug Addiction

Form of order sought by the appellant

The appellant claims that the Court should:

- repeal and overturn the contested judgment brought by the Civil Service Tribunal on 18 May 2015 in Case F-79/13, *Gyarmathy v EMCDDA*;
- annul the (former) EMCDDA Director's decision of 11 September 2012 rejecting the appellant's request for assistance;
- annul the (former) EMCDDA Director's decision of 14 September 2012 not to renew the appellant's employment contract;
- annul the (former) Chairman of the EMCDDA Management Board's decision of 13 May 2013 and the (former) EMCDDA Director's decision of 25 June 2013 respectively.

Pleas in law and main arguments

In support of the appeal, the appellant relies on two pleas in law.

1. First plea in law: The claim for annulment of the EMCDDA Director's decision of 11 September 2012 rejecting the appellant's request for assistance:

The appellant contends that in its first-instance judgment brought in Case F-79/13 on 18 May 2015, The Civil Service Tribunal, by stating that the appellant's grievances were properly handled by the Agency administration, distorts the facts and contradicts the ample documentary evidence available in the case-file. The (former) EMCDDA Director rejected the appellant's request for assistance, first and foremost, her transfer request to relieve her from the long-term and extensive bullying and harassment she was suffering from her immediate superior. The (former) Director violated his obligation to provide assistance and his duty of solicitude and good administration (judgments of 27 November 2008, *Klug v EMEA*, F-35/07, EU:F:2008:150, paragraph 74; and of 12 July 2011, *Commission v Q*, T-80/09 P, EU:T:2011:347, paragraph 84). Based on facts and evidence, available in the case-file, Article 24 of the Staff Regulations, and the relevant, settled case-law, the (former) EMCDDA Director, acting in his capacity as Appointing Authority, did not provide the appellant with the requested assistance and did not take the necessary measures to protect the tranquility of the service in general, and the appellant from the mistreatment she became victim of in particular. Consequently, the first-instance judgment of the Civil Service Tribunal, with regard to the first plea, is factually incorrect, and furthermore it is contrary to the Community legislation and the settled case-law. As such, it must be repealed and overturned, and the contested decision must be annulled.

2. Second plea in law: The claim for annulment of the decision of 14 September 2012 not to renew the appellant's employment contract:

The contested first-instance judgment of the Civil Service Tribunal relied on the reasoning that the (former) EMCDDA Director's decision of 19 December 2012 is one aimed at the appellant's formal complaint of 10 December 2012, challenging — including but not limited to — the (former) Director's decision of 14 September 2012 not to renew the appellant's employment contract. However, as it is obvious from the mere wording of the referred letter, it is impossible to interpret it as such. Instead, it is a decision about initiating an administrative inquiry based on the appellant's complaint. In addition, in this very same letter the (former) Director denies having made a decision at all with regard to the appellant's employment contract. Furthermore, even if the manifestly wrong interpretation of the contested decision were to be upheld, it is still against the law and illegal, since the appellant had not been heard before (judgment of 12 December 2013, *CH v Parliament*, F-129/12, EU:F:2013:203) and it is constituted a mere preparatory act (judgment of 16 March 2009, *R v Commission*, T-156/08 P, EU:T:2009:69) and as such, could not be independently challenged (judgment of 10 November 2009, *N v Parliament*, F-71/08, EU:F:2009:150; and order of 23 October 2012, *Possanzini v Frontex*, F-61/11, EU:F:2012:146). The contested decision also constituted a misuse of powers (judgments of 19 October 1995, *Obst v Commission*, T-562/93, EU:T:1995:181; of 12 December 2000, *Dejaiffe v OHIM*, T-223/99, EU:T:2000:292; and judgment of 25 September 2012, *Bermejo Garde v EESC*, F-41/10, EU:F:2012:135) based on evidence available in the case-file. It is even questionable whether the (former) EMCDDA Director had the power of authority at the time of making the contested decision (order of 25 October 1996, *Lopes v Court of Justice*, T-26/96, EU:T:1996:157). It must be reminded that the Defendant failed to lodge a defence, which in turn led to a judgment by default. In the reasoning of the contested first-instance judgment, the Tribunal relied on an argument of the Defendant's defence lodged in a different case (F-22/14, *Gyarmathy v EMCDDA*), and thereby violated procedural boundaries. The Civil Service Tribunal's first-instance judgment with regards to the second plea is also contrary to the facts and evidence, available in the case-file. It constitutes a manifest violation of procedural boundaries. As such, it must be repealed and overturned, and the contested decision must be annulled.

Action brought on 13 July 2016 — Düll v EUIPO — Cognitect (DaToMo)

(Case T-381/16)

(2016/C 364/10)

Language in which the application was lodged: German

Parties

Applicant: Klaus Düll (Südergellersen, Germany) (represented by: S. Wolff-Marting, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Cognitect, Inc. (Durham, North Carolina, United States)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Applicant

Trade mark at issue: EU word mark 'DaToMo' — EU trade mark No 6 715 627

Procedure before EUIPO: Revocation proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 19 April 2016 in Joined Cases R 1383/2015-2 and R 1481/2015-2

Form of order sought

The applicant claims that the Court should:

- alter the contested decision to the effect that the restriction ‘all the aforementioned for the enterprise mobility management (EMM)’ is not added to the services which, following the abovementioned decision, remain listed in the class specification for Class 42 in the list of goods and services covered by trade mark No 6715627 DaToMo;
- order EUIPO to bear its own costs and to pay those incurred by the applicant.

Plea in law

- Infringement of Article 50 of Regulation No 40/94.

Action brought on 22 July 2016 — Grupo Osborne v EUIPO — Ostermann (DONTORO dog friendship)

(Case T-390/16)

(2016/C 364/11)

Language in which the application was lodged: English

Parties

Applicant: Grupo Osborne, SA (El Puerto de Santa María, Spain) (represented by: J. Iglesias Monravá, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Daniel Ostermann (Leipzig, Germany)

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: Figurative mark containing the word elements ‘DONTORO dog friendship’ — EU trade mark application No 11 112 381

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the First Board of Appeal of EUIPO of 28 April 2016 in Case R 2002/2015-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision granting the European Union Trademark No 11 112 381 ‘DONTORO dog friendship’ (fig.) in Cls. 18, 20 and 35;
- refuse the registration of the European Union Trademark No 11 112 381 ‘DONTORO dog friendship’ (fig.) in Cl. 35 in the ‘wholesale and retail sale services also through the Internet, garments, shoes and textile products’ and therefore refuse its registration in Classes 25 and 35 in the mentioned services;

— order to whoever opposes this appeal to pay the court's costs.

Plea in law

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

Action brought on 25 July 2016 — Omnicom International Holdings v EUIPO — eBay (dA/tA/bA/y)

(Case T-393/16)

(2016/C 364/12)

Language in which the application was lodged: English

Parties

Applicant: Omnicom International Holdings, Inc. (New York, New York, United States) (represented by: D. Farnsworth, Solicitor)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: eBay, Inc. (San Jose, California, United states)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Applicant

Trade mark at issue: Figurative mark containing the word elements '(dA/tA/bA/y)' — EU trade mark application No 12 354 015

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the First Board of Appeal of EUIPO of 17 May 2016 in Case R 872/2015-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to bear its own costs and pay the applicant's costs.

Plea in law

— Infringement of Article 8(5) of Regulation No 207/2009.

Action brought on 25 July 2016 — Omnicom International Holdings v EUIPO –eBay (DATABAY)

(Case T-394/16)

(2016/C 364/13)

Language in which the application was lodged: English

Parties

Applicant: Omnicom International Holdings, Inc. (New York, New York, United States) (represented by: D. Farnsworth, Solicitor)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: eBay, Inc. (San Jose, California, United States)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Applicant

Trade mark at issue: EU word mark 'DATABAY' — EU trade mark application No 12 353 975

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the First Board of Appeal of EUIPO of 12 May 2016 in Case R 925/2015-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to bear its own and pay the applicant's costs.

Plea in law

- Infringement of Article 8(5) of Regulation No 207/2009.

Action brought on 22 July 2016 — Dogg Label v EUIPO — Chemoul (JAPRAG)
(Case T-406/16)
(2016/C 364/14)

Language in which the application was lodged: French

Parties

Applicant: Dogg Label (Marseille, France) (represented by: M. Angelier, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party before the Board of Appeal: Patrick Chemoul (Paris, France)

Details of the procedure before EUIPO

Proprietor of the mark at issue: the other party before the Board of Appeal

Mark at issue: EU word mark 'JAPRAG' — EU trade mark No 8 820 301

Proceedings before EUIPO: invalidity proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 13 May 2016 in Case R 2336/2015-2

Form of order sought

The applicant claims that the Court should:

- set aside the contested decision;

- order the European Union Intellectual Property Office to assent to the action for annulment brought by the company DOGG LABEL;
- declare invalid the Community trade mark 'JAPRAG' No 8 820 301 for all the goods in Classes 18 and 25, on the basis of Article 53(1)(a) of the EU trade mark regulation in conjunction with Article 8(1)(b) of that regulation.

Pleas in law

- Infringement of Article 53(1)(a) of Regulation No 207/2009;
- Infringement of Article 8(1)(b) of Regulation No 207/2009.

Action brought on 31 July 2016 — Syriatel Mobile Telecom v Council

(Case T-411/16)

(2016/C 364/15)

Language of the case: French

Parties

Applicant: Syriatel Mobile Telecom (Joint Stock Company) (Damascus, Syria) (represented by: E. Ruchat, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- declare the applicant's application admissible and well-founded;
- as a consequence, annul Decision (CFSP) 2016/850 of 27 May 2016 and the subsequent measures implementing it, in so far as they relate to the applicant;
- order the Council of the European Union to pay the costs of the proceedings.

Pleas in law and main arguments

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

1. First plea in law, alleging infringement of the rights of the defence and of the right to effective judicial protection, provided for in Articles 6 and 13 of the European Convention for the Protection of Human Rights and Fundamental Freedoms ('ECHR'), in Article 215 of the Treaty on the Functioning of the European Union ('TFEU') and in Articles 41 and 47 of the Charter of Fundamental Rights of the European Union.
2. Second plea in law, alleging infringement of the obligation to state reasons, in so far as the Council's reasoning does not meet the obligation on the institutions of the European Union laid down in Article 6 of the ECHR, Article 296 TFEU and Article 41 of the Charter of Fundamental Rights of the European Union.

3. Third plea in law, alleging manifest error of assessment which the Council committed with regard to the applicant's involvement in the financing of the Syrian regime.
4. Fourth plea in law, alleging that the contested measures restrict the applicant's fundamental rights in an unjustified and disproportionate manner, in particular its right to property, provided for in Article 1 of the First Additional Protocol to the ECHR and Article 17 of the Charter of Fundamental Rights of the European Union, and its right to respect for its good name and reputation, provided for in Articles 8 and 10 of the ECHR.
5. Fifth plea in law, alleging infringement of the Council's Guidelines of 2 December 2005 on implementation and evaluation of restrictive measures (sanctions) in the framework of the EU Common Foreign and Security Policy (Council document 15114/05 of 2 December 2005).

Action brought on 31 July 2016 — Bena Properties v Council

(Case T-412/16)

(2016/C 364/16)

Language of the case: French

Parties

Applicant: Bena Properties Co. SA (Damascus, Syria) (represented by: E. Ruchat, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- declare the applicant's application admissible and well-founded;
- as a consequence, annul Decision (CFSP) 2016/850 of 27 May 2016 and the subsequent measures implementing it, in so far as they relate to the applicant;
- order the Council of the European Union to pay the costs of the proceedings.

Pleas in law and main arguments

In support of its action, the applicant raises five pleas in law which are, in essence, identical or similar to those raised in Case T-411/16, *Syriatel Mobile Telecom v Council*.

Action brought on 31 July 2016 — Cham v Council

(Case T-413/16)

(2016/C 364/17)

Language of the case: French

Parties

Applicant: Cham Holding (Damascus, Syria) (represented by: E. Ruchat, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- declare the applicant's application admissible and well-founded;
- as a consequence, annul Decision (CFSP) 2016/850 of 27 May 2016 and the subsequent measures implementing it, in so far as they relate to the applicant;
- order the Council of the European Union to pay the costs of the proceedings.

Pleas in law and main arguments

In support of its action, the applicant raises five pleas in law which are, in essence, identical or similar to those raised in Case T-410/16, Makhoul v Council.

Action brought on 31 July 2016 — Drex Technologies v Council**(Case T-414/16)**

(2016/C 364/18)

*Language of the case: French***Parties**

Applicant: Drex Technologies SA (Tortola, British Virgin Islands) (represented by: E. Ruchat, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- declare the applicant's application admissible and well-founded;
- as a consequence, annul Decision (CFSP) 2016/850 of 27 May 2016 and the subsequent measures implementing it, in so far as they relate to the applicant;
- order the Council of the European Union to pay the costs of the proceedings.

Pleas in law and main arguments

In support of its action, the applicant raises five pleas in law which are, in essence, identical or similar to those raised in Case T-411/16, Syriatel Mobile Telecom v Council.

Action brought on 31 July 2016 — Almashreq Investment Fund v Council**(Case T-415/16)**

(2016/C 364/19)

*Language of the case: French***Parties**

Applicant: Almashreq Investment Fund (Damascus, Syria) (represented by: E. Ruchat, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- declare the applicant's application admissible and well-founded;
- as a consequence, annul Decision (CFSP) 2016/850 of 27 May 2016 and the subsequent measures implementing it, in so far as they relate to the applicant;
- order the Council of the European Union to pay the costs of the proceedings.

Pleas in law and main arguments

In support of its action, the applicant raises five pleas in law which are, in essence, identical or similar to those raised in Case T-411/16, *Syriatel Mobile Telecom v Council*.

Action brought on 31 July 2016 — Othman v Council**(Case T-416/16)**

(2016/C 364/20)

*Language of the case: French***Parties**

Applicant: Razan Othman (Damascus, Syria) (represented by: E. Ruchat, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- declare the applicant's action admissible and well founded;
- consequently, annul Decision (CFSP) 2016/850 of 27 May 2016 and the subsequent measures implementing it, in so far as they relate to the applicant;
- order the Council of the European Union to pay the costs of the proceedings.

Pleas in law and main arguments

In support of the action, the applicant relies on five pleas in law which are essentially identical or similar to those relied on in Case T-410/16, *Makhlouf v Council*.

Action brought on 2 August 2016 — Perfumes y Aromas Artesanales v EUIPO — Aromas Selective (Aa AROMAS artesanales)**(Case T-426/16)**

(2016/C 364/21)

*Language in which the application was lodged: Spanish***Parties**

Applicant: Perfumes y Aromas Artesanales, SL (Arganda del Rey, Spain) (represented by: J. Botella Reyna, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Aromas Selective, SL (Dos Hermanas, Spain)

Details of the proceedings before EUIPO

Applicant: Applicant

Trade mark at issue: EU figurative mark containing the word elements ‘Aa AROMAS artesanales’– Application for registration No 12 215 018

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 20 May 2016 in Case R 766/2015-5

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs.

Pleas in law

- Existence of priority rights and peaceful co-existence on the market and in the registration of the allegedly conflicting marks.
- Weak distinctive character of the term ‘AROMAS’.
- Infringement of Article 8(1)(b) of Regulation No 207/2009.

Action brought on 26 July 2016 — Lackmann Fleisch- und Feinkostfabrik v EUIPO (медведь)

(Case T-432/16)

(2016/C 364/22)

Language of the case: German

Parties

Applicant: Lackmann Fleisch- und Feinkostfabrik GmbH (Bühl, Germany) (represented by: A. Lingenfelser, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: EU figurative mark including the word element ‘медведь’ — Application No 14 397 921

Contested decision: Decision of the First Board of Appeal of EUIPO of 17 May 2016 in Case R 240/2016-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision and grant the applicant's application for registration of the trade mark at issue.

Plea in law

- The trade mark at issue is not descriptive and has distinctive character.

Action brought on 5 August 2016 — Souruh v Council**(Case T-440/16)**

(2016/C 364/23)

*Language of the case: French***Parties**

Applicant: Souruh SA (Damascus, Syria) (represented by: E. Ruchat, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- declare the applicant's application admissible and well-founded;
- as a consequence, annul Decision (CFSP) 2016/850 of 27 May 2016 and the subsequent measures implementing it, in so far as they relate to the applicant;
- order the Council of the European Union to pay the costs of the proceedings.

Pleas in law and main arguments

In support of its action, the applicant raises five pleas in law which are, in essence, identical or similar to those raised in Case T-411/16, *Syriatel Mobile Telecom v Council*.

Action brought on 5 August 2016 — Tetra Pharm (1997) v EUIPO — Sebapharma (SeboCalm)**(Case T-441/16)**

(2016/C 364/24)

*Language in which the application was lodged: English***Parties**

Applicant: Tetra Pharm (1997) Ltd (Tel Aviv, Israel) (represented by: A. Gorzkiewicz, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Sebapharma GmbH & Co. KG (Boppard, Germany)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Applicant

Trade mark at issue: EU word mark ‘SeboCalm’ — EU trade mark application No 12 014 461

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the First Board of Appeal of EUIPO of 19 May 2016 in Case R 852/2015-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO and the other party before EUIPO to bear the costs.

Plea in law

- Infringement of Article 8(1)(b) in conjunction with Articles 7(2), 75 and 76(1) of Regulation No 207/2009.

Action brought on 5 August 2016 — Schniga v CPVO (Gala Schnico)

(Case T-445/16)

(2016/C 364/25)

Language of the case: German

Parties

Applicant: Schniga GmbH (Bolzano, Italy) (represented by: G. Würtenberger and R. Kunze)

Defendant: Community Plant Variety Office (CPVO)

Details of the proceedings before EUIPO

Community plant variety right at issue: Gala Schnico — Community plant variety right application No 2009/1807

Contested decision: Decision of the Board of Appeal of CPVO of 22 April 2016 in Case A005/2014.

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order CPVO to pay the costs.

Plea in law

- Infringement of Articles 76, 8, 57(3) and 75 of Regulation No 2100/94.
-

Action brought on 10 August 2016 — sheepworld v EUIPO (Bester Opa)**(Case T-449/16)**

(2016/C 364/26)

*Language of the case: German***Parties***Applicant:* sheepworld AG (Ursensollen, Germany) (represented by: S. von Rüden, lawyer)*Defendant:* European Union Intellectual Property Office (EUIPO)**Details of the proceedings before EUIPO***Trade mark at issue:* European Union word mark 'Bester Opa' — Application for registration No 14 169 528*Contested decision:* Decision of the Fourth Board of Appeal of EUIPO of 26 May 2016 in Case R 92/2016-4**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs including the costs incurred in the course of the appeal proceedings.

Plea in law

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

Action brought on 10 August 2016 — sheepworld v EUIPO (Beste Freunde)**(Case T-450/16)**

(2016/C 364/27)

*Language of the case: German***Parties***Applicant:* sheepworld AG (Ursensollen, Germany) (represented by: S. von Rüden, lawyer)*Defendant:* European Union Intellectual Property Office (EUIPO)**Details of the proceedings before EUIPO***Trade mark at issue:* European Union word mark 'Beste Freunde' — Application for registration No 14 170 013*Contested decision:* Decision of the Fourth Board of Appeal of EUIPO of 26 May 2016 in Case R 93/2016-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs including the costs incurred in the course of the appeal proceedings.

Plea in law

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

Action brought on 10 August 2016 — sheepworld v EUIPO (Bester Papa)**(Case T-451/16)**

(2016/C 364/28)

*Language of the case: German***Parties**

Applicant: sheepworld AG (Ursensollen, Germany) (represented by: S. von Rüden, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: European Union word mark 'Bester Papa' — Application for registration No 14 169 213

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 26 May 2016 in Case R 94/2016-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs including the costs incurred in the course of the appeal proceedings.

Plea in law

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

Action brought on 10 August 2016 — sheepworld v EUIPO (Beste Freundin)**(Case T-452/16)**

(2016/C 364/29)

*Language of the case: German***Parties**

Applicant: sheepworld AG (Ursensollen, Germany) (represented by: S. von Rüden, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: European Union word mark 'Beste Freundin' — Application for registration No 14 169 916

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 26 May 2016 in Case R 96/2016-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs including the costs incurred in the course of the appeal proceedings.

Plea in law

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

Action brought on 5 August 2016 — Arrigoni v EUIPO — Arrigoni Formaggi (Arrigoni Valtaleggio)

(Case T-454/16)

(2016/C 364/30)

Language in which the application was lodged: Italian

Parties

Applicant: Arrigoni SpA (Rome, Italy) (represented by: P. Di Gravio, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Arrigoni Formaggi SpA (Bergamo, Italy)

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: International registration designating the European Union in respect of the figurative mark containing the word element 'Arrigoni Valtaleggio' — International registration designating the European Union No 1 028 737

Procedure before EUIPO: Proceedings for a declaration of invalidity

Contested decision: Decision of the First Board of Appeal of EUIPO of 19 May 2016 in Case R 2922/2014-1

Form of order sought

The applicant claims that the Court should:

- uphold the action and, accordingly, declare the contested decision invalid and/or inexistent on the following grounds, remitting, if appropriate, the case to the decision-making bodies of EUIPO or declaring the first decision No C 406 A of 17 April 2013 valid and final;

- in any event, declare Arrigoni Battista SpA's application No 1 028 737 to be invalid in its entirety, on the basis of the following infringements of law.

Pleas in law

- Infringement of Article 8(2)(a) of Regulation No 207/2009;
- Infringement of Article 8(1)(b) of Regulation No 207/2009;
- Infringement of Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark;
- Infringement of the European Constitutional Charter;
- Infringement of Article II-77 Right to property;
- Infringement of Articles 76 and 87 of the Constitution;
- Infringement of Law No 273 of 12 December 2002;
- Infringement of the Italian Industrial Property Code, Legislative Decree No 30 of 10 February 2005 and subsequent amendments: Article 7, Article 12.B, C and G, Article 13(1), Article 16.1, Article 20, Article 22(1) and (2);
- Such further ruling as may be necessary, including with regard to payment of the costs, made without prejudice to any existing rights.

Action brought on 16 August 2016 — Aldi Einkauf v EUIPO — Schwamm & Cie. (Le Coq de France)

(Case T-457/16)

(2016/C 364/31)

Language in which the application was lodged: German

Parties

Applicant: Aldi Einkauf GmbH & Co. OHG (Essen, Germany) (represented by: N. Lützenrath, U. Rademacher, C. Fürsen and N. Bertram, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Schwamm & Cie. (Saarbrücken, Germany)

Details of the proceedings before EUIPO

Applicant for the trade mark at issue: Applicant

Trade mark at issue: EU word mark 'Le Coq de France' — Application No 10 882 331

Proceedings before EUIPO: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 15 June 2016 in Case R 1786/2015-4

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 Article 8(1)(b) of Regulation No 207/2009
-

EUROPEAN UNION CIVIL SERVICE TRIBUNAL

Judgment of the Civil Service Tribunal (Single judge) of 21 July 2016 — CC v Parliament

(Case F-9/12 RENV)

(Civil service — Referral back to the Tribunal after setting aside — Action for damages — Non-contractual liability — Errors in the management of the list of suitable candidates — Open competition — Competition notice EUR/A/151/98 — Equal treatment — Measures for compliance with the judgment [confidential] ⁽¹⁾ — European Ombudsman's investigation)

(2016/C 364/32)

Language of the case: French

Parties

Applicant: CC (represented by: G. Maximini, lawyer)

Defendant: European Parliament (represented by: M. Ecker and E. Despotopoulou, acting as Agents)

Re:

Application for an order that the European Parliament pay compensation for the material and non-material loss suffered by the applicant as a result of errors committed in the management of the relevant reserve list.

Operative part of the judgment

The Tribunal:

1. Orders the European Parliament to pay CC the sum of EUR 12 000.
2. Dismisses the application as to the remainder.
3. Declares that the European Parliament is to bear its own costs and orders it to pay the costs incurred by CC in Cases F-9/12, T-457/13 P and F-9/12 RENV.

⁽¹⁾ Confidential data removed.

Judgment of the Civil Service Tribunal (Third Chamber) of 19 July 2016 — Earlie v Parliament

(Case F-130/14) ⁽¹⁾

(Civil service — Official — Former official — Sums deducted from his retirement pension — Maintenance payable to the ex-wife of the former official — Attachment order adopted by a national court — Attachment order discharged — New order requiring the former official to instruct the Parliament to pay the maintenance to his ex-wife — Instructions to that effect by the former official — Subsequent instructions from the former official to cease the payments to his ex-wife — Parliament's refusal to execute the instructions — Family law — Exclusive jurisdiction of the national court — Duty of sincere cooperation)

(2016/C 364/33)

Language of the case: English

Parties

Applicant: Thomas Earlie (Seville, Spain) (represented by: D. Bergin, solicitor)

Defendant: European Parliament (represented by: M. Dean and M. Ecker, acting as Agents)

Intervener in support of the defendant: Mary Earlie Gibbons (Dublin, Ireland) (H. Millar, solicitor)

Re:

Application for annulment of the decision to deduct from the applicant's pension the amount of maintenance the applicant is obliged to pay to his former wife, that being a decision which, according to the applicant, infringes a judgment of a national court in divorce proceedings and an application for damages in respect of the material and non-material harm allegedly suffered.

Operative part of the judgment

The Tribunal:

1. *Dismisses the action;*
2. *Declares that Mr Earlie shall bear his own costs and orders him to pay the costs incurred by the European Parliament;*
3. *Declares that Ms Earlie Gibbons shall bear her own costs.*

⁽¹⁾ OJ C 34, 2.2.2015, p. 52.

**Judgment of the Civil Service Tribunal (single Judge) of 18 July 2016 —SD (*) v EUIPO
(Case F-48/15) ⁽¹⁾**

(Civil service — Officials — Staff reporting — 2013 appraisal — Appraisal report — Manifest error of assessment — Recovery plan — Act adversely affecting an official — Admissibility)

(2016/C 364/34)

Language of the case: French

Parties

Applicant: SD (*) (represented by: T. Bontinck and A. Guillerme, lawyers)

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

Re:

Annulment of the applicant's appraisal report for 2013 and the recovery plan adopted on the basis of that report, together with a claim for damages in respect of the non-pecuniary loss allegedly suffered.

Operative part of the judgment

The Tribunal:

1. *Dismisses the action;*
2. *Orders SD (*) to bear her own costs and to pay the costs incurred by the European Union Intellectual Property Office.*

⁽¹⁾ OJ C 190, 8/6/2015.

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

Judgment of the Civil Service Tribunal (Second Chamber) of 19 July 2016 — Opreana v Commission(Case F-67/15) ⁽¹⁾

(Civil service — Temporary member of staff — Temporary member of staff occupying a permanent position — Non-renewal of a fixed-term contract — Pregnancy — Act adversely affecting a member of staff — Lack of competence of the author of an act adversely affecting a member of staff — Right to be heard — Duty to have regard to the welfare of staff)

(2016/C 364/35)

Language of the case: French

Parties

Applicant: Luisa Opreana (Arlon, Belgium) (represented by: initially by A. Salerno, lawyer, and subsequently by A. Salerno and P. Singer, lawyers)

Defendant: European Commission (represented by: G. Berscheid and F. Simonetti, acting as Agents)

Re:

Application for annulment of the decision not to extend the applicant's contract beyond its termination date, although she was coming to the end of her pregnancy.

Operative part of the judgment

The Tribunal:

1. Annuls the European Commission's decision not to renew Ms Luisa Opreana's temporary staff contract, which came to an end on 31 August 2014;
2. Orders the European Commission to bear its own costs and to pay the costs incurred by Ms Opreana.

⁽¹⁾ OJ C 213, 29/6/2015, p. 50.

Judgment of the Civil Service Tribunal (Second Chamber) of 21 July 2016 — De Nicola v EIB(Case F-82/15) ⁽¹⁾

(Civil Service — EIB staff — Sickness insurance — Refusal of reimbursement of medical expenses — Laser therapy — No scientific validity of the treatment — Rules governing designation of an independent doctor — Competent medical association — Opinion of the independent doctor — Scope of the judicial review — Grounds of refusal of reimbursement — Internal provisions on sickness insurance — Objective of the laser therapy — Palliative effects on pain — Prior authorisation of the medical officer — Material harm — Premature conclusions — Non-pecuniary harm — Amount not stated — Inadmissibility)

(2016/C 364/36)

Language of the case: Italian

Parties

Applicant: Carlo De Nicola (Strassen, Luxembourg) (represented initially by: L. Isola and G. Isola, lawyers, and subsequently by: G. Ferabecoli, lawyer)

Defendant: European Investment Bank (represented initially by: G. Nuvoli and J.-P. Minnaert, acting as Agents, and A. Dal Ferro, lawyer, and subsequently by: G. Faedo and G. Nuvoli, acting as Agents, and A. Dal Ferro, lawyer)

Re:

Annulment, firstly, of the decision not to reimburse the expenses incurred by the applicant for laser treatment undergone in 2007 and, secondly, of the consecutive and connected decisions taken by the bank in 2014.

Operative part of the judgment

The Tribunal:

1. *Annuls the decision of the European Investment Bank of 4 December 2014, by which it refused to reimburse Mr Carlo De Nicola for the costs of FP3 laser therapy;*
2. *Dismisses the remainder of the action;*
3. *Orders the European Investment Bank to bear its own costs and to pay the costs incurred by Mr De Nicola.*

⁽¹⁾ OJ C 279, 24.8.2015, p. 59.

Judgment of the Civil Service Tribunal (Second Chamber) of 21 July 2016 — AV v Commission

(Case F-91/15) ⁽¹⁾

(Civil Service — Member of the temporary staff — Appointment — Medical examination preceding appointment — Incomplete declarations at the medical examination — Medical reservation — Retroactive application of the medical reservation — Not eligible for the invalidity allowance — Annulment — Execution of a judgment of the General Court)

(2016/C 364/37)

Language of the case: French

Parties

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

Defendant: European Commission (represented by: C. Berardis-Kayser, T. S. Bohr and C. Ehrbar, agents)

Re:

Annulment of the Commission's decision to apply the medical reservation clause in Article 32 of the CEOS, in so far as it does not give the applicant the invalidity allowance and compensation in respect of the non-material harm allegedly suffered.

Operative part of the judgment

The Tribunal:

1. *Annuls the decision of 16 September 2014 by which the European Commission applied the medical reservation referred to in Article 32 of the Conditions of Employment of Other Servants of the European Union to AV;*
2. *Orders the European Commission to pay AV the sum of EUR 2 000 in compensation for the non-material harm suffered by him;*

3. Dismisses the remainder of the action;
4. Orders the European Commission to bear its own costs and to pay the costs incurred by AV.

(¹) OJ C 406, 7.12.2015, p. 46.

Judgment of the Civil Service Tribunal (Second Chamber) of 21 July 2016 — De Nicola v EIB

(Case F-100/15) (¹)

(Civil Service — EIB staff — Appraisal — 2013 annual staff report — Decision of the Appeals Committee)

(2016/C 364/38)

Language of the case: Italian

Parties

Applicant: Carlo De Nicola (Strassen, Luxembourg) (represented by: L. Isola and G. Isola, lawyers)

Defendant: European Investment Bank (represented initially by: G. Nuvoli and J.-P. Minnaert, acting as Agents, and A. Dal Ferro, lawyer, and subsequently by: G. Nuvoli and G. Faedo, acting as Agents, and A. Dal Ferro, lawyer)

Re:

Annulment, firstly, of the applicant's staff report for 2013 and, secondly, the consecutive and connected decisions of the EIB such as the decision not to promote him to grade D and compensation for the non-pecuniary and pecuniary damage allegedly suffered.

Operative part of the judgment

The Tribunal:

1. Dismisses the action;
2. Orders Mr Carlo De Nicola to bear his own costs and to pay the costs incurred by the European Investment Bank.

(¹) OJ C 414, 14.12.2015, p. 41.

Judgment of the Civil Service Tribunal (3rd Chamber) of 20 July 2016 — U (*) v Commission

(Case F-104/15) (¹)

(Civil service — Survivor's pension — Articles 18 and 20 of Annex VIII to the Staff Regulations — Surviving spouse of a former official — Eligibility — Second marriage — Equal treatment of officials)

(2016/C 364/39)

Language of the case: French

Parties

Applicant: U (*) (represented by: F.Moyse, lawyer)

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

Defendant: European Commission (represented by: G. Gattinara, A.-C. Simon and F. Simonetti, acting as Agents)

Intervener in support of the defendant: European Parliament (represented by: M. Ecker and E. Tavena, acting as Agents)

Re:

Application for annulment of the decision not to grant a survivor's pension to the applicant.

Operative part of the judgment

The Tribunal:

1. Annuls the decision of 24 September 2014 by which the European Commission refused the application of U(*) for a survivor's pension in respect of her late husband, a former official entitled to a retirement pension.
2. Declares that the European Commission is to bear its own costs and orders it to pay the costs incurred by Mrs U(*).
3. Declares that the European Parliament is to bear its own costs.

(¹) OJ C 302, 14.9.2015, p. 71.

Judgment of the Civil Service Tribunal (Single Judge) of 20 July 2016 — HL v Commission

(Case F-112/15) (¹)

(Civil service — Officials — Article 45 of the Staff Regulations — 2014 promotion exercise — General implementing provisions for Article 45 of the Staff Regulations — List of officials proposed for promotion by the Directors-General and heads of service — Omission of the applicant's name — Possibility of challenging before the Joint Promotion Committee the list of officials proposed for promotion — Consideration of the comparative merits of the officials eligible for promotion — Opinions adopted by a joint body — Obligation to state grounds)

(2016/C 364/40)

Language of the case: English

Parties

Applicant: HL (represented by: R. Rata, lawyer)

Defendant: European Commission (represented by: C. Berardis-Kayser, G. Berscheid and A.-A. Gilly, acting as Agents)

Re:

Application for annulment of the decisions of the appointing authority not to include the applicant on the list of officials promoted in the context of the 2014 annual promotion exercise.

Operative part of the judgment

The Tribunal:

1. Dismisses the action;
2. Declares that HL shall bear his own costs and orders him to pay the costs incurred by the European Commission.

(¹) OJ C 320, 28/9/2015, p. 55.

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

Judgment of the Civil Service Tribunal (Single Judge) of 20 July 2016 — Adriaen and Others v Commission

(Case F-113/15) ⁽¹⁾

(Civil service — Officials — Article 45 of the Staff Regulations — 2014 promotion exercise — General implementing provisions for Article 45 of the Staff Regulations — Lists of officials proposed for promotion by the Directors-General and heads of service — Omission of the applicants' names — Possibility of challenging before the Joint Promotion Committee the list of officials proposed for promotion — Consideration of the comparative merits of the officials eligible for promotion — Opinions adopted by a joint body — Obligation to state grounds)

(2016/C 364/41)

Language of the case: English

Parties

Applicant: Charlotte Adriaen (Brussels, Belgium) and Others (represented by: R. Rata, lawyer)

Defendant: European Commission (represented by: C. Berardis-Kayser, G. Berscheid and A.-A. Gilly, acting as Agents)

Re:

Application for annulment of the decisions of the appointing authority not to include the applicants on the list of officials promoted in the context of the 2014 annual promotion exercise.

Operative part of the judgment

The Tribunal:

1. Dismisses the action;
2. Declares that Ms Adriaen and the 12 other applicants whose names appear in the annex shall bear their own costs and orders them to pay the costs incurred by the European Commission.

⁽¹⁾ OJ C 320, 28/9/2015, p. 55.

Judgment of the Civil Service Tribunal (Third Chamber) of 20 July 2016 — GY v Commission

(Case F-123/15) ⁽¹⁾

(Civil service — Open Competition — Notice of competition EPSO/AD/293/14 — Insufficient number of points in the 'Talent Screen Test' — Non-admission to the assessment centre — Rejection of the request for review)

(2016/C 364/42)

Language of the case: French

Parties

Applicant: GY (represented by: S. Orlandi and T. Martin, lawyers)

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

Re:

Annulment of the decision of the selection board in competition EPSO/AD/293/14 not to award the applicant a sufficient number of points for admission to the assessment centre.

Operative part of the judgment

The Tribunal:

1. Annuls the decision of 11 June 2015 by which the selection board of Open Competition EPSO/AD/293/14 refused to admit GY to the selection tests organised at the assessment centre;
2. Orders the European Commission to bear its own costs and to pay the costs incurred by GY.

⁽¹⁾ OJ C 398, 30/11/2015, p. 79.

**Judgment of the Civil Service Tribunal (Second Chamber) of 21 July 2016 — HB v Commission
(Case F-125/15) ⁽¹⁾**

(Civil service — Officials — 2014 promotion exercise — Article 45(1) of the Staff Regulations — Comparison of the merits — 2011 and 2012 staff reports — Absence of several months due to maternity leave in 2013 — Staff report lacking any substantive assessment for the year in question — Decision not to promote the applicant in 2014 — Duty to provide a statement of reasons — Consideration of the comparative merits — No recommendation from the Joint Promotion Committee — Access to the applicant's individual computerised file — Composition of the Joint Promotion Committee — Discrimination based on gender — Non-material damage)

(2016/C 364/43)

Language of the case: French

Parties

Applicant: HB (represented by: S. Orlandi and T. Martin, lawyers)

Defendant: European Commission (represented by: C. Berardis-Kayser and G. Berscheid, acting as Agents)

Re:

Application for annulment of the Commission's decision not to promote the applicant to grade AD 8 in the 2014 promotion exercise and compensation for the non-material damage which the applicant claims to have suffered.

Operative part of the judgment

The Tribunal:

1. Dismisses the action;
2. Orders HB to bear half of her own costs;
3. Orders the European Commission to bear its own costs and to pay half of HB's costs.

⁽¹⁾ OJ C 398, 30/11/2015, p. 80.

**Judgment of the Civil Service Tribunal (Third Chamber) of 20 July 2016 — Barroso Truta and Others
v Court of Justice**

(Case F-126/15) ⁽¹⁾

(Civil Service — Contractual agents — Pensions — Article 11(2) of Annex VIII to the Staff Regulations — Transfer to the European Union's pension scheme of pension rights previously acquired under national schemes — AECC's proposals to add years of pensionable service — Invitation to contact the administration for explanations and to discuss whether it would be appropriate to make transfers — Acceptance by the agents of the transfer of their national pension rights without prior consultation with the AECC — Definitive nature of the transfers — Subsequent discovery of the 'minimum subsistence figure' rule — Fourth paragraph of Article 77 of the Staff Regulations — Duty of diligence — Alleged insufficiency of the information provided by the AECC when putting forward the proposals to add years of pensionable service — Action for damages — Non-compliance with the requirements governing the pre-litigation stage — Inadmissibility)

(2016/C 364/44)

Language of the case: French

Parties

Applicants: Barroso Truta (Bofferdange, Luxembourg) and Others (represented by: S. Orlandi and T. Martin, lawyers)

Defendant: Court of Justice of the European Union (represented by: J. Inghelram, agent)

Re:

Payment of compensation to the applicants for the material harm which they have incurred on account of the loss of their pension rights acquired in the national system following the transfer of those rights to the pension scheme of the European Union.

Operative part of the judgment

The Tribunal:

1. Dismisses the action;
2. Orders the Court of Justice of the European Union to bear its own costs and to pay the costs incurred by Mr José Barroso Truta, Mr Marc Forli, Mr Calogero Galante and Mr Bernard Gradel.

⁽¹⁾ OJ C 414, 14.12.2015, p. 42.

**Judgment of the Civil Service Tribunal (First Chamber) of 21 July 2016 — Pinto Ferreira v
Commission**

(Case F-127/15) ⁽¹⁾

(Civil service — Officials — Disciplinary measure — Article 9(2) of Annex IX to the Staff Regulations — Withholding an amount from the pension — Outside activity without permission — No request for prior permission)

(2016/C 364/45)

Language of the case: French

Parties

Applicant: António Gaspar Pinto Ferreira (Brussels, Belgium) (represented by: C.W. Godfrey, C. Antoine and M. Gomes Lopes, lawyers)

Defendant: European Commission (represented by: C. Ehrbar and F. Simonetti, acting as Agents)

Re:

Application for annulment of the Commission's decision imposing the disciplinary measure of withholding EUR 185 from the applicant's pension for a 12-month period and taking effect on the date on which he is to retire, on account of the exercise of an outside activity without permission.

Operative part of the judgment

The Tribunal:

1. *Annuls the decision of 16 December 2014 whereby the appointing authority of the European Commission imposed on Mr António Gaspar Pinto Ferreira the measure provided for in Article 9(2) of Annex IX to the Staff Regulations of Officials of the European Union;*
2. *Orders the European Commission to bear its own costs and to pay the costs incurred by Mr Pinto Ferreira.*

⁽¹⁾ OJ C 414, 14/12/2015, p. 43.

**Judgment of the Civil Service Tribunal (Second Chamber) of 19 July 2016 — Stips v Commission
(Case F-131/15) ⁽¹⁾**

(Civil Service — Member of the temporary staff paid from research and investment appropriations — Article 2(d) CEOS — Contract of indefinite duration — Reclassification in the higher grade — 2013 reclassification round — Closure of the round after 1 January 2014 — Entry into force of Regulation No 1023/2013 — Methods of accessing grade AD 13 — Application, by analogy, of Article 45(1) and of point 1 of Section A of Annex I of the Staff Regulations — Refusal to reclassify an AD 12 member of the temporary staff — Suitability for reclassification — Principles of legal certainty and non-retroactivity — Right to good administration)

(2016/C 364/46)

Language of the case: French

Parties

Applicant: Adolf Stips (Besozzo, Italy) (represented by: S. Orlandi and T. Martin, lawyers)

Defendant: European Commission (represented by: G. Berscheid and C. Berardis-Kayser, acting as Agents)

Re:

Application for annulment of the Commission's decision not to reclassify the applicant as grade AD 13 in the 2013 reclassification round.

Operative part of the judgment

The Tribunal:

1. *Annuls the decision of 21 January 2015, by which the European Commission did not reclassify Mr Adolf Stips as grade AD 13 in the 2013 reclassification round;*

2. Orders the European Commission to bear its own costs and to pay the costs incurred by Mr Stips.

(¹) OJ C 414, 14/12/2015, p. 45.

Judgment of the Civil Service Tribunal (Third Chamber) of 20 July 2016 — HC v Commission

(Case F-132/15) (¹)

(Civil service — Temporary staff — Succession of appointments under various status categories at several institutions of the European Union — Interruption by a period of unemployment — Continued membership of the of the Joint Sickness Insurance Scheme — New appointment — Article 13 of the CEOS — Medical examination prior to employment — Article 32 of the CEOS — Failure of the interested party to declare an illness already affecting her — Subsequent discovery by the AECC — Retroactive application of a five-year medical reservation — Challenge — Referral to the Invalidity Committee — Duty of loyalty — Decision of the AECC to bar the agent from being recruited by the institution for a period of six years)

(2016/C 364/47)

Language of the case: French

Parties

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

Defendant: European Commission (represented by: C. Berardis-Kayser, T. S. Bohr and C. Ehrbar, agents)

Re:

Annulment of the Commission's decision to apply the medical reservation clause in Article 32 of the CEOS, retroactively, with effect from the date of entry into service of the applicant with the Commission and to suspend the invalidity and death insurance and, in addition, annulment of the decision to bar the applicant from being recruited by the Commission for a period of six years to run from the date on which her last contract ended.

Operative part of the judgment

The Tribunal:

1. Annuls the decision of 29 January 2015 by which the authority empowered to conclude contracts of employment of the European Commission barred HC from being recruited by the institution for a period of six years;
2. Dismisses the remainder of the application;
3. Orders the European Commission to pay its own costs and to bear half the costs incurred by HC;
4. Orders HC to bear half of her own costs.

(¹) OJ C 406, 7/12/2015, p. 46.

Judgment of the Civil Service Tribunal (First Chamber) of 21 July 2016 — HD v Parliament**(Case F-136/15) ⁽¹⁾*****(Civil service — Officials — Remuneration — Family allowances — Education allowance — Conditions for granting — Article 67(2) of the Staff Regulations — Deduction of an allowance of like nature received from other sources — Article 85 of the Staff Regulations — Recovery of undue payment)*****(2016/C 364/48)***Language of the case: French***Parties***Applicant:* HD (represented by: C. Bernard-Glanz, lawyer)*Defendant:* European Parliament (represented by: M. Ecker and L. Deneys, acting as Agents)**Re:**

Application for annulment, first, of the Parliament's decision to put the applicant's situation into order as regards the allocation of the education allowance and, second, of the decision to recover the amounts which the applicant unduly received in that regard.

Operative part of the judgment*The Tribunal:*

1. *Dismisses the action;*
2. *Orders each party to bear its own costs.*

⁽¹⁾ OJ C 7, 11/1/2016, p. 38.

Judgment of the Civil Service Tribunal (Third Chamber) of 19 July 2016 — Meyrl v Parliament**(Case F-147/15) ⁽¹⁾*****(Civil Service — Member of the temporary staff — Termination of employment — Right to be heard)*****(2016/C 364/49)***Language of the case: French***Parties***Applicant:* Sonja Meyrl (Bruxelles, Belgique) (represented by: M. Casado García-Hirschfeld, lawyer)*Defendant:* European Parliament (represented by: V. Montebello-Demogeot and M. Dean, agents)**Re:**

Application for annulment of the decision terminating the applicant's contract.

Operative part of the judgment*The Tribunal:*

1. *Annuls the decision du 24 February 2015 to terminate the employment contract of Ms Sonja Meyrl, adopted by the Co-president of the political group 'Greens/European Free Alliance', as an authority of the European Parliament authorised to conclude employment contracts;*

2. Orders the European Parliament to bear its own costs and to pay the costs incurred by Ms Meyrl.

⁽¹⁾ OJ C 68, 22.2.2016, p. 46.

Judgment of the Civil Service Tribunal (Second Chamber) of 19 July 2016 — HG v Commission
(Case F-149/15) ⁽¹⁾

(Civil Service — Officials — Officials posted to a non-Member State — Lodging provided by the administration — Obligation to reside there — Disciplinary procedure — Disciplinary penalty — Article 9(1)(c) of Annex IX to the Staff Regulations — Deferment of advancement to a higher step — Compensation for the harm — Article 22 of the Staff Regulations)

(2016/C 364/50)

Language of the case: French

Parties

Applicant: HG (represented by: L. Levi, lawyer)

Defendant: European Commission (represented by: C. Berardis-Kayser and G. Berscheid, agents, A. Dal Ferro, lawyer)

Re:

Application for annulment of the decision imposing on the applicant the penalty of deferment of advancement to a higher step and obliging the applicant to pay compensation in respect of harm allegedly incurred by the European Union, and an application for compensation in respect of the non-material harm and the reputational damage allegedly incurred.

Operative part of the judgment

The Tribunal:

1. Dismisses the action;
2. Orders HG to bear his own costs and to pay the costs incurred by the European Commission.

⁽¹⁾ OJ C 68, 22.2.2016, p. 46.

Judgment of the Civil Service Tribunal (First Chamber) of 21 July 2016 — WQ (*) v Parliament
(Case F-1/16) ⁽¹⁾

(Civil service — Officials — Certification procedure — 2014 period — Applicant not included on the list of officials selected to participate in the training programme — Article 45a of the Staff Regulations)

(2016/C 364/51)

Language of the case: French

Parties

Applicant: WQ (*) (represented by: S. Orlandi and T. Martin, lawyers)

Defendant: European Parliament (represented by: D. Nessaf and M. Ecker, acting as Agents)

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

Re:

Application for annulment of the Parliament's decision not to include the applicant's name on the list of officials selected to participate in the training programme for the 2014 certification exercise.

Operative part of the judgment

The Tribunal:

1. Dismisses the action;
2. Orders WQ (*) to bear his own costs and pay the costs incurred by the European Parliament.

(¹) OJ C 111, 29.3.2016, p. 45.

Order of the Civil Service Tribunal (1st Chamber) of 2 August 2016 — Cocchi and Falcione v Commission

(Case F-134/11) (¹)

(Civil service — Duty to provide assistance — Article 24 of the Staff Regulations — Rejection of the request for assistance — Pensions — Article 11(2) of Annex VIII to the Staff Regulations — Request for transfer of pension rights — Withdrawal of the request for transfer of pension rights during the proceedings — No need to adjudicate on the rejection of the request for assistance)

(2016/C 364/52)

Language of the case: French

Parties

Applicants: Giorgio Cocchi (Wezembeek-Oppem, Belgium) and Nicola Falcione (Brussels, Belgium) (represented initially by S. Orlandi, J.-N. Louis and D. de Abreu Caldas, lawyers, subsequently by S. Orlandi, lawyer)

Defendant: European Commission (represented initially by D. Martin and J. Baquero Cruz, acting as Agents, subsequently by J. Currall and G. Gattinara, acting as Agents, next by G. Gattinara, acting as Agent, and last by G. Gattinara and F. Simonetti, acting as Agents)

Re:

Application for annulment of the decision rejecting the applicants' request for assistance under Article 24 of the Staff Regulations following the withdrawal of a transfer proposal accepted by the applicants after a reasonable period had elapsed for the purposes of benefiting from the possibility of transferring their pension rights.

Operative part of the order

1. There is no need to adjudicate in Case F-134/11, *Cocchi and Falcione v Commission*.
2. Mr Giorgio Cocchi, Ms Nicola Falcione and the European Commission shall each bear their own costs.

(¹) OC C 65, 3/3/2012, p. 23.

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

Order of the Civil Service Tribunal (1st Chamber) of 1 August 2016 — Bouvret and Others v Commission

(Case F-112/12) ⁽¹⁾

(Civil service — Officials — Pensions — Article 11(2) of Annex VIII to the Staff Regulations — Transfer to the European Union pension scheme of the pension rights acquired under national pension schemes — Decision on the crediting of pensionable years applying the new general implementing provisions relating to Articles 11 and 12 of Annex VIII to the Staff Regulations — Article 81 of the Rules of Procedure — Action manifestly unfounded)

(2016/C 364/53)

Language of the case: French

Parties

Applicants: Florence Bouvret (Brussels, Belgium), Beata Stepień (Brussels, Belgium) and Daniel Wille (Mouscron, Belgium) (represented initially by D. de Abreu Caldas, A. Coolen, J.-N. Louis, E. Marchal and S. Orlandi, lawyers, subsequently by D. de Abreu Caldas, J.-N. Louis and S. Orlandi, lawyers, next by J.-N. Louis and S. Orlandi, lawyers, and last by J.-N. Louis, lawyer)

Defendant: European Commission (represented initially by D. Martin and G. Gattinara, acting as Agents, subsequently by J. Currall and G. Gattinara, acting as Agents, and last by G. Gattinara, acting as Agent)

Re:

Application for annulment of the decisions on the transfer of the applicants' pension rights to the European Union pension scheme which apply the new general implementing provisions concerning Articles 11 and 12 of Annex VIII to the Staff Regulations.

Operative part of the order

1. *The action is dismissed as manifestly unfounded.*
2. *Each party shall bear its own costs.*

⁽¹⁾ OJ C 379 of 08/12/2012, p. 35.

Order of the Civil Service Tribunal (First Chamber) of 2 August 2016 — Mommer v Commission

(Case F-146/12) ⁽¹⁾

(Civil Service — Officials — Pensions — Article 11(2) of Annex VIII to the Staff Regulations — Transfer to the EU pension scheme of pension rights acquired under other schemes — Proposal to add years of pensionable service — Act not having an adverse effect — Action manifestly inadmissible)

(2016/C 364/54)

Language of the case: French

Parties

Applicant: Anne Mommer (Brussels, Belgium) (represented initially by: S. Orlandi, A. Coolen, J.-N. Louis, É. Marchal and D. de Abreu Caldas, lawyers, and subsequently by: S. Orlandi, J.-N. Louis and D. de Abreu Caldas, lawyers, and finally by: S. Orlandi, lawyer)

Defendant: European Commission (represented initially by: D. Martin and G. Gattinara, acting as Agents, and subsequently by: J. Currall and G. Gattinara, acting as Agents, and finally by: G. Gattinara, acting as Agent)

Re:

Application for annulment of the decision concerning the transfer of the applicant's pension rights to the European Union pension scheme, which decision applies the new GIPs relating to Articles 11 and 12 of Annex VIII to the Staff Regulations of Officials.

Operative part of the order

1. *The action is dismissed as manifestly inadmissible.*
2. *Each party shall bear its own costs.*

⁽¹⁾ OJ C 26, 26.1.2013, p. 78.

Order of the Civil Service Tribunal (First Chamber) of 1 August 2016 — Mario Animali and Others v European Commission

(Case F-23/13) ⁽¹⁾

(Civil Service — Officials — Pensions — Article 11(2) of Annex VIII to the Staff Regulations — Transfer to the EU pension scheme of pension rights acquired under other schemes — Decision recognising years of pensionable service applying the new GIPs relating to Articles 11 and 12 of Annex VIII to the Staff Regulations — Article 81 of the Rules of Procedure — Action manifestly unfounded)

(2016/C 364/55)

Language of the case: French

Parties

Applicants: Mario Animali and Others (Brussels, Belgium) (represented initially by: D. de Abreu Caldas, A. Coolen, J.-N. Louis and É. Marchal, lawyers, and subsequently by: D. de Abreu Caldas and J.-N. Louis, lawyers, and finally by: J.-N. Louis, lawyer)

Defendant: European Commission (represented initially by: C. Ehrbar and G. Gattinara, acting as Agents, and subsequently by: J. Currall and G. Gattinara, acting as Agents, and finally by: G. Gattinara, acting as Agent)

Re:

Annulment of the decision transmitting the definitive calculation of the annuities for the transfer of the applicants' pension rights to the European Union pension scheme under the new GIPs relating to Articles 11 and 12 of Annex VIII to the Staff Regulations of Officials.

Operative part of the order

1. *The action is dismissed as manifestly unfounded.*
2. *Each party shall bear its own costs.*

⁽¹⁾ OJ C 156, 1.6.2013, p. 55.

Order of the Civil Service Tribunal (First Chamber) of 1 August 2016 — Sajewicz-Świackiewicz v Commission

(Case F-39/13) ⁽¹⁾

(Civil Service — Officials — Pensions — Article 11(2) of Annex VIII to the Staff Regulations — Transfer to the EU pension scheme of pension rights acquired under other schemes — Decision on recognition of additional pensionable years applying the new GIP relating to Articles 11 and 12 of Annex VIII to the Staff Regulations — Article 81 of the Rules of Procedure — Action manifestly unfounded)

(2016/C 364/56)

Language of the case: French

Parties

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

Defendant: European Commission (represented initially by: C. Ehrbar and G. Gattinara, acting as Agents, subsequently by J. Currall and G. Gattinara, acting as Agents, then by G. Gattinara, acting as Agent, and lastly by G. Gattinara and F. Simonetti, acting as Agents)

Re:

Application for annulment of the decision fixing the credit for the pension rights acquired prior to entry into service at the Commission pursuant to the new GIP and the decision rejecting the complaint.

Operative part of the order

1. *The action is dismissed as manifestly unfounded.*
2. *Each party shall bear its own costs.*

⁽¹⁾ OJ C 207, 20.7.2013, p. 60.

Order of the Civil Service Tribunal (First Chamber) of 2 August 2016 — Mommer v Commission

(Case F-74/13) ⁽¹⁾

(Civil Service — Officials — Pensions — Article 11(2) of Annex VIII to the Staff Regulations — Transfer to the EU pension scheme of pension rights acquired under other schemes — Decision recognising years of pensionable service applying the new GIPs relating to Articles 11 and 12 of Annex VIII to the Staff Regulations — Article 81 of the Rules of Procedure — Action manifestly unfounded)

(2016/C 364/57)

Language of the case: French

Parties

Applicant: Anne Mommer (Brussels, Belgium) (represented initially by: S. Orlandi, J.-N. Louis and D. de Abreu Caldas, lawyers, and subsequently by: S. Orlandi, lawyer)

Defendant: European Commission (represented initially by: C. Ehrbar and G. Gattinara, acting as Agents, and subsequently by: J. Currall and G. Gattinara, acting as Agents, and finally by: G. Gattinara, acting as Agent)

Re:

Application for annulment of the decision concerning the transfer of the applicant's pension rights to the European Union pension scheme, which decision applies the new GIPs relating to Articles 11 and 12 of Annex VIII to the Staff Regulations of Officials.

Operative part of the order

1. *The action is dismissed as in part manifestly inadmissible and in part manifestly unfounded.*
2. *Each party shall bear its own costs.*

⁽¹⁾ OJ C 274, 21.9.2013, p. 33.

Order of the Civil Service Tribunal (3rd Chamber) of 20 July 2016 — Piessevaux v Council

(Case F-94/13) ⁽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 pension scheme — Proposal concerning additional pensionable years — Plea of inadmissibility — Concept of an act adversely affecting the applicant — Article 83 of the Rules of Procedure)

(2016/C 364/58)

Language of the case: French

Parties

Applicant: Vincent Piessevaux (Brussels, Belgium) (represented initially by D. de Abreu Caldas, A. Coolen, J.-N. Louis and É. Marchal, lawyers, subsequently by D. de Abreu Caldas and J.-N. Louis, lawyers, then by J.-N. Louis, lawyer, and lastly by L. Ponteville, lawyer)

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

Re:

Application to annul the decision to calculate the accrual of pension rights acquired before entry into service on the basis of the new General Implementing Provisions relating to Articles 11 and 12 of Annex VIII to the Staff Regulations.

Operative part of the order

1. *The action is dismissed as inadmissible.*
2. *M. Vincent Piessevaux shall bear his own costs and is ordered to pay the costs incurred by the Council of the European Union.*

⁽¹⁾ OJ C 336 of 16.11.2013, p. 32.

Order of the Civil Service Tribunal (1st Chamber) of 2 August 2016 — Urena de Poznanski v Commission

(Case F-102/13) ⁽¹⁾

(Civil service — Officials — Pensions — Article 11(2) of Annex VIII to the Staff Regulations — Transfer to the European Union pension scheme of the pension rights acquired under other pension schemes — Decision on the crediting of pensionable years applying the new general implementing provisions relating to Articles 11 and 12 of Annex VIII to the Staff Regulations — Article 81 of the Rules of Procedure — Action in part manifestly inadmissible and in part manifestly unfounded)

(2016/C 364/59)

Language of the case: French

Parties

Applicant: Soldimar Urena de Poznanski (Brussels, Belgium) (represented by: S. Orlandi, lawyer)

Defendant: European Commission (represented initially by C. Ehrbar and G. Gattinara, acting as Agents, subsequently by J. Currall and G. Gattinara, acting as Agents, and last by G. Gattinara, acting as Agent)

Re:

Application for annulment of the decision to calculate the additional pension rights acquired before entry into service on the basis of the new general implementing provisions concerning Articles 11 and 12 of Annex VIII to the Staff Regulations.

Operative part of the order

1. *The action is dismissed as in part inadmissible and in part manifestly unfounded.*
2. *Each party shall bear its own costs.*

⁽¹⁾ OJ C 24 of 25/1/2014, p. 40.

Order of the Civil Service Tribunal (3rd Chamber) of 20 July 2016 — Martens and Olsson v Commission

(Case F-119/13) ⁽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 additional pensionable years — Objection of inadmissibility — Concept of an act having adverse effect — Article 83 of the Rules of Procedure)

(2016/C 364/60)

Language of the case: French

Parties

Applicants: Lieve Martens (Kessel-Lo, Belgium) and Björn Mikael Olsson (Brussels, Belgium) (represented initially by D. de Abreu Caldas and J.-N. Louis, lawyers, and subsequently by J.-N. Louis, lawyer)

Defendant: European Commission (represented initially by J. Currall and G. Gattinara, acting as Agents, and subsequently by G. Gattinara, acting as Agent, and lastly by G. Gattinara and F. Simonetti, acting as Agents)

Re:

Application for annulment of the decisions relating to the transfer of the applicants' pension rights to the European Union pension scheme which apply 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 inadmissible.*
2. *Ms Lieve Martens and Mr Björn Mikael Olsson shall bear their own costs and pay the costs incurred by the European Commission.*

⁽¹⁾ OJ C 129, 28/4/2014, p. 37.

Order of the Civil Service Tribunal (First Chamber) of 1 August 2016 — Poniskaitis v Commission
(Case F-121/13) ⁽¹⁾

(Civil Service — Officials — Pensions — Article 11(2) of Annex VIII to the Staff Regulations — Transfer to the EU pension scheme of pension rights acquired under other schemes — Decision on recognition of additional pensionable years applying the new GIP relating to Articles 11 and 12 of Annex VIII to the Staff Regulations — Article 81 of the Rules of Procedure — Action manifestly unfounded)

(2016/C 364/61)

Language of the case: French

Parties

Applicant: Jonas Poniskaitis (Brussels, Belgium) (represented initially by: D. de Abreu Caldas and J.-N. Louis, lawyers, and subsequently by J.-N. Louis, lawyer)

Defendant: European Commission (represented initially by: J. Currall and G. Gattinara, acting as Agents, and subsequently by G. Gattinara, acting as Agent)

Re:

Application for annulment of the decisions concerning the transfer of the applicant's pension rights to the EU Pension scheme which applies 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 unfounded.*
2. *Each party shall bear its own costs.*

⁽¹⁾ OJ C 52, 22.2.2014, p. 53.

Order of the Civil Service Tribunal (Second Chamber) of 20 July 2016 — Gaj v Commission(Case F-43/14) ⁽¹⁾

(Civil service — Officials — Pensions — Transfer of national pension rights — Proposal concerning additional pensionable years — Act not having an adverse effect — Application for a decision not going to the substance of the case — Article 83 of the Rules of Procedure — Action in part inadmissible and in part manifestly lacking any foundation in law — Article 81 of the Rules of Procedure)

(2016/C 364/62)

Language of the case: French

Parties

Applicant: Wanda Gaj (Brussels, Belgium) (represented by: S. Orlandi, lawyer)

Defendant: European Commission (represented initially by: J. Currall and G. Gattinara, acting as Agents, and subsequently by: G. Gattinara and F. Simonetti, acting as Agents)

Subject matter of the case

Application for annulment of the decision to credit the applicant's pension in the European Union's pension scheme pursuant to the new GIPs relating to Articles 11 and 12 of Annex VIII to the Staff Regulations and the decision of 19 August 2013 which closes the file concerning the transfer of the applicant's pension rights acquired under the Caisse Nationale d'Assurance Vieillesse des Travailleurs Salariés (CNAVTS) (National Old-Age Insurance Fund for Employees).

Operative part of the order

- 1) *The action is dismissed as in part inadmissible and in part manifestly unfounded.*
- 2) *Wanda Gaj is to bear her own costs and is ordered to pay the costs incurred by the European Commission.*

⁽¹⁾ OJ C 292, 1.9.2014, p. 61.

Order of the Civil Service Tribunal (Third Chamber) of 20 July 2016 — Esen v Commission(Case F-45/14) ⁽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 pension scheme — Proposal concerning additional pensionable years — Plea of inadmissibility — Concept of measure adversely affecting a person — Article 83 of the Rules of Procedure)

(2016/C 364/63)

Language of the case: French

Parties

Applicant: Kerim Esen (Maputo, Mozambique) (represented initially by: D. de Abreu Caldas, M. de Abreu Caldas and J.-N. Louis, lawyers, and subsequently by J.-N. Louis, lawyer)

Defendant: European Commission (represented initially by: J. Currall and G. Gattinara, acting as Agents, and subsequently by G. Gattinara and F. Simonetti, acting as Agents)

Re:

Application for annulment of the decision concerning the transfer of the applicant's pension rights to the EU pension scheme which applies 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 inadmissible.*
2. *Mr Kerim Esen shall bear his own costs and pay the costs incurred by the European Commission.*

⁽¹⁾ OJ C 212, 7.7.2014, p. 46.

Order of the Civil Service Tribunal (3rd Chamber) of 20 July 2016 — Hoeve v Commission

(Case F-46/14) ⁽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 additional pensionable years — Objection of inadmissibility — Concept of an act having adverse effect — Article 83 of the Rules of Procedure)

(2016/C 364/64)

Language of the case: French

Parties

Applicant: Roelof-Jan Wino Hoeve (Brussels, Belgium) (represented initially by D. de Abreu Caldas, M. de Abreu Caldas and J.-N. Louis, lawyers, and subsequently by J.-N. Louis, lawyer)

Defendant: European Commission (represented initially by J. Currall and G. Gattinara, acting as Agents, and subsequently by G. Gattinara, acting as Agent, and lastly by G. Gattinara and F. Simonetti, acting as Agents)

Re:

Application for annulment of the decision relating to the transfer of the applicant's pension rights to the European Union pension scheme which applies 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 inadmissible.*
2. *Mr Roelof-Jan Wino Hoeve shall bear his own costs and pay the costs incurred by the European Commission.*

⁽¹⁾ OJ C 212, 7/7/2014, p. 47.

Order of the Civil Service Tribunal (Third Chamber) of 21 July 2016 — Simon v Commission(Case F-70/14 DISS) ⁽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 pension scheme — Proposal concerning additional pensionable years — Concept of a measure having an adverse effect — Manifest inadmissibility — Article 81 of the Rules of Procedure)

(2016/C 364/65)

Language of the case: French

Parties

Applicant: Anne-Claire Simon (Brussels, Belgium) (represented initially by: D. de Abreu Caldas, M. de Abreu Caldas and J.-N. Louis, lawyers, and subsequently by: J.-N. Louis, lawyer)

Defendant: European Commission (represented initially by: J. Currall and G. Gattinara, acting as Agents, subsequently by: G. Gattinara, acting as Agent, and lastly by: G. Gattinara and F. Simonetti, acting as Agents)

Subject matter of the case

Application for annulment of the decision concerning the transfer of the applicant's pension rights to the European Union pension scheme which applies the new General Implementing Provisions (GIPs) of 3 March 2011 for Article 11(2) of Annex VIII to the Staff Regulations and, in the alternative, an application seeking an order that the Commission compensate the applicant for the harm resulting from the excessively long period taken to deal with her transfer application.

Operative part of the order

- 1) *The action is dismissed as manifestly inadmissible.*
- 2) *Anne-Claire Simon is to bear her own costs and is ordered to pay the costs incurred by the European Commission.*

⁽¹⁾ OJ C 388, 3.11.2014, p. 28.

Order of the Civil Service Tribunal (2nd Chamber) of 20 July 2016 — Belis v Commission(Case F-108/14) ⁽¹⁾

(Civil service — Officials — Pensions — Transfer of national pension rights — Proposal concerning additional pensionable years — Act not having an adverse effect — Inadmissibility of the action — Application for a decision not going to the merits of the case — Article 83 of the Rules of Procedure)

(2016/C 364/66)

Language of the case: French

Parties

Applicant: Claudio Belis (Ispra, Italy) (represented by: S. Orlandi, lawyer)

Defendant: European Commission (represented initially by J. Currall and G. Gattinara, and subsequently by G. Gattinara and F. Simonetti, acting as Agents)

Re:

Application for annulment of the decision crediting the applicant's pension rights in relation to the transfer of those rights to the European Union pension scheme, pursuant to 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 inadmissible.*
2. *Mr Claudio Belis shall bear his own costs and pay the costs incurred by the European Commission.*

⁽¹⁾ OJ C 26, 26/1/2015, p. 46.

Order of the Civil Service Tribunal (First Chamber) of 1 August 2016 –Cat v Commission

(Case F-117/14) ⁽¹⁾

(Civil Service — Officials — Pensions — Article 11(2) of Annex VIII to the Staff Regulations — Transfer to the EU pension scheme of pension rights acquired under other schemes — Decision recognising bonus annuities applying the new GIPs relating to Articles 11 and 12 of Annex VIII to the Staff Regulations — Article 81 of the Rules of Procedure — Action manifestly unfounded)

(2016/C 364/67)

Language of the case: French

Parties

Applicant: Michel Cat (Cotonou, Benin) (represented by: J.-N. Louis, R. Metz and D. Verbeke, lawyers)

Defendant: European Commission (represented initially by: J. Currall and G. Gattinara, acting as Agents, and subsequently by: G. Gattinara, acting as Agent)

Re:

Application for annulment of the decisions to add years of pensionable service acquired by the applicant in the European Union pension scheme on application of the new general implementing provisions relating to Articles 11 and 12 of Annex VIII to the Staff Regulations of Officials.

Operative part of the order

1. *The action is dismissed as manifestly unfounded.*
2. *Each party shall bear its own costs.*

⁽¹⁾ OJ C 7, 12.1.2015, p. 56.

Order of the Civil Service Tribunal (First Chamber) of 1 August 2016 — Poniskaitis v Commission(Case F-133/14) ⁽¹⁾

(Civil Service — Officials — Pensions — Article 11(2) of Annex VIII to the Staff Regulations — Transfer to the EU pension scheme of pension rights acquired under other schemes — Decision on recognition of additional pensionable years applying the new GIP relating to Articles 11 and 12 of Annex VIII to the Staff Regulations — Article 81 of the Rules of Procedure — Action manifestly unfounded)

(2016/C 364/68)

Language of the case: French

Parties

Applicant: Jonas Poniskaitis (Brussels, Belgium) (represented by: J.-N. Louis, R. Metz and D. Verbeke, lawyers)

Defendant: European Commission (represented initially by: J. Currall and G. Gattinara, acting as Agents, and subsequently by G. Gattinara, acting as Agent)

Re:

Application for annulment of the decision concerning the transfer of the applicant's pension rights to the EU Pension scheme which applies 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 unfounded.*
2. *Each party shall bear its own costs.*

⁽¹⁾ OJ C 16, 19.1.2015, p. 50.

Order of the Civil Service Tribunal (2nd Chamber) of 20 July 2016 — Polizzi v Commission(Case F-138/14) ⁽¹⁾

(Civil service — Officials — Pensions — Transfer of national pension rights — Proposal to add years of pensionable service — Act not having an adverse effect — Inadmissibility of the action — Application for a decision not going to the substance of the case — Article 83 of the Rules of Procedure)

(2016/C 364/69)

Language of the case: French

Parties

Applicant: Rosalba Polizzi (Brussels, Belgium) (represented by: S. Orlandi and T. Martin, lawyers)

Defendant: European Commission (represented initially by J. Currall and G. Gattinara, acting as Agents, and subsequently by G. Gattinara and F. Simonetti, acting as Agents)

Re:

Application for annulment of the decision to calculate the applicant's pension rights in the context of the transfer of those rights to the European Union pension scheme, which decision applies the new general implementing provisions relating to Articles 11 and 12 of Annex VIII to the Staff Regulations.

Operative part of the order

1. *The action is dismissed as inadmissible.*
2. *M^s Rosalba Polizzi shall bear her own costs and is ordered to pay those incurred by the European Commission.*

⁽¹⁾ OJ C 34, 2.2.2015, p. 55.

Order of the Civil Service Tribunal (First Chamber) of 1 August 2016 — Simon v Commission

(Case F-28/15) ⁽¹⁾

(Civil Service — Officials — Pensions — Article 11(2) of Annex VIII to the Staff Regulations — Transfer to the EU pension scheme of pension rights acquired under other schemes — Decision on recognition of additional pensionable years applying the new general implementing provisions for Articles 11 and 12 of Annex VIII to the Staff Regulations — Article 81 of the Rules of Procedure — Action manifestly unfounded)

(2016/C 364/70)

Language of the case: French

Parties

Applicant: Anne-Claire Simon (Brussels, Belgium) (represented by: J.-N. Louis and N. de Montigny, lawyers)

Defendant: European Commission (represented initially by: J. Currall and G. Gattinara, acting as Agents, and subsequently by: G. Gattinara, acting as Agent)

Subject matter of the case

Application for annulment of the final decision on the transfer of the applicant's pension rights to the European Union pension scheme, which applies the new general implementing provisions (GIPs) of 3 March 2011 for Article 11(2) of Annex VIII to the Staff Regulations.

Operative part of the order

- 1) *The action is dismissed as manifestly unfounded.*
- 2) *The parties shall bear their own costs.*

⁽¹⁾ OJ C 146, 4.5.2015, p. 49.

Order of the Civil Service Tribunal (First Chamber) of 18 July 2016 — Possanzini v Frontex(Case F-68/15) ⁽¹⁾

(Civil service — Frontex staff — Temporary staff — Non-renewal of contract based on the applicant's appraisal report relating to 2009 — Proof of notification of the report — Absence — Annulment by the Tribunal — Compliance with the judgment — Notification of the appraisal report — Delay in the production and communication of the report)

(2016/C 364/71)

Language of the case: French

Parties

Applicant: Daniele Possanzini (Pisa, Italy) (represented by: S. Pappas, lawyer)

Defendant: European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (represented by: H. Caniard and V. Peres de Almeida, acting as Agents, D. Waelbroeck and A. Duron, lawyers)

Subject matter of the case

Application for annulment of the applicant's appraisal report relating to 2009 and the claim for damages for the non-material harm allegedly suffered.

Operative part of the order

- 1) *The action is dismissed as manifestly unfounded.*
- 2) *Daniele Possanzini is to bear his own cost and is ordered to pay the costs incurred by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union.*

⁽¹⁾ OJ C 245, 27.7.2015, p. 49.

Order of the Civil Service Tribunal (First Chamber) of 2 August 2016 — Polizzi v Commission(Case F-70/15) ⁽¹⁾

(Civil service — Contract staff — Pensions — Article 11(2) of Annex VIII to the Staff Regulations — Transfer to the EU pension scheme of pension rights acquired under a national pension scheme — Decision recognising the crediting of pensionable years applying the new GIP relating to Articles 11 and 12 of Annex VIII to the Staff Regulations — Article 81 of the Rules of Procedure — Action in part manifestly inadmissible and in part manifestly unfounded)

(2016/C 364/72)

Language of the case: French

Parties

Applicant: Rosalba Polizzi (Brussels, Belgium) (represented by: S. Orlandi and T. Martin, lawyers)

Defendant: European Commission (represented by: initially J. Currall and G. Gattinara, Agents, then G. Gattinara, Agent)

Subject-matter of the case

Action for annulment of the final decision transferring the applicant's pension rights to the EU pension scheme, which applies the new general implementing provisions (GIP) of Article 11(2) of Annex VIII of the Staff Regulations of 3 March 2011.

Operative part of the order

- 1) *The action is dismissed as in part manifestly inadmissible and in part manifestly unfounded.*
- 2) *The parties shall bear their own costs.*

⁽¹⁾ OJ C 245, 27.7.2015, p 49.

Order of the Civil Service Tribunal (2nd Chamber) of 21 July 2016 — Trampuz v Commission
(Case F-103/15) ⁽¹⁾

(Civil service — Social security — Sickness insurance scheme — Recovery of advance payment of medical expenses — Implementation of an annulment judgment of the General Court — Plea of inadmissibility — Failure to satisfy the requirements of the pre-litigation procedure — Act adversely affecting an official — Pension statement — Requirement to make a claim — Out of time — Article 83 of the Rules of Procedure)

(2016/C 364/73)

Language of the case: Italian

Parties

Applicant: Serena Trampuz (Trieste, Italy) (represented by: C. Falagiani, lawyer)

Defendant: European Commission (represented by: T. S. Bohr and G. Gattinara, acting as Agents, and A. Dal Ferro, lawyer)

Re:

Application for annulment of the Commission's decision to withhold the sum of EUR 14 207,60 from the applicant's pension by way of recovery of advances made in the direct billing of accommodation costs during the hospitalisation of the applicant's spouse after the Civil Service Tribunal annulled the decision of the Ispra claims office, making the applicant responsible for payment of all the accommodation costs of the hospitalisation which were considered excessive.

Operative part of the order

1. *The action is dismissed as inadmissible.*
2. *M^{re} Serena Trampuz shall bear her own costs and is ordered to pay those incurred by the European Commission.*

⁽¹⁾ OJ C 354, 26.10.2015, p. 55.

Order of the Civil Service Tribunal (First Chamber) of 18 July 2016 — Dietrich v Parliament(Case F-143/15) ⁽¹⁾

(Civil service — Contract staff — Early termination of the contract — Expiry date of the notice period — Suspension of the notice period — New expiry date of the notice period — Act not having an adverse effect — Complaint lodged out of time — Plea of inadmissibility — Manifest inadmissibility — Article 83 of the Rules of Procedure)

(2016/C 364/74)

Language of the case: French

Parties

Applicant: Constant Dietrich (Pfulgiesheim, France) (represented by: A. Fombaron, lawyer)

Defendant: European Parliament (represented by: L. Deneys and E. Taneva, Agents)

Subject-matter of the case

Action for annulment of the decision rejecting the applicant's complaint seeking annulment of the decision terminating early his employment at the European Parliament.

Operative part of the order

- 1) *The action is dismissed as manifestly inadmissible.*
- 2) *Constant Dietrich shall bear his own costs and shall pay the costs incurred by the European Parliament.*

⁽¹⁾ OJ C 68, 22.2.2016, p. 45.

Order of the Civil Service Tribunal (Third Chamber) of 21 July 2016 — Stanley v Commission(Case F-5/16) ⁽¹⁾

(Civil service — Member of the contract staff — Request under Article 90(1) of the Staff Regulations — Request for reclassification of a contract — Reasonable period — None — Manifest inadmissibility)

(2016/C 364/75)

Language of the case: English

Parties

Applicant: John Stanley (Apia, Samoa) (represented by: O. Mader, lawyer)

Defendant: European Commission (represented by: G. Berscheid and C. Berardis-Kayser, acting as Agents, and by B. Wägenbaur, lawyer)

Re:

Annulment of the Commission's decision not to reclassify the applicant's contract as a temporary staff contract or, in the alternative, compensation for the material damage alleged to have been suffered.

Operative part of the order

1. *The action is dismissed as manifestly inadmissible.*
2. *Mr John Stanley shall bear his own costs and is ordered to pay the costs incurred by the European Commission.*

⁽¹⁾ OJ C 145, 25/4/2016, p. 37.

Action brought on 28 July 2016 — ZZ v Parliament**(Case F-38/16)**

(2016/C 364/76)

*Language of the case: French***Parties**

Applicant: ZZ (represented by: C. Bernard-Glanz, lawyer)

Defendant: European Parliament

Subject-matter and description of the proceedings

Annulment of the staff report for the year 2014, as finalised by the decision of 20 October 2015 and of the decision awarding merit points for the year 2014 and the decision not to promote in respect of 2015.

Form of order sought

- Annul the contested decisions and, in so far as necessary, the decision rejecting the claim;
- Order the Parliament to pay the costs.

Order of the Civil Service Tribunal of 18 July 2016 — HE v Commission**(Case F-93/15)**

(2016/C 364/77)

Language of the case: French

The Single Judge has ordered that the case be removed from the register.

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