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(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

COURT OF JUSTICE OF THE EUROPEAN UNION

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

(2015/C 007/01)

Last publication

OJ C 462, 22.12.2014

Past publications

OJ C 448, 15.12.2014

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OJ C 409, 17.11.2014

OJ C 395, 10.11.2014

These texts are available on:

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V

(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Judgment of the Court (First Chamber) of 5 November 2014 (request for a preliminary ruling from the Oberster Gerichtshof — Austria) — Österreichischer Gewerkschaftsbund v Verband Österreichischer Banken und Bankiers

(Case C-476/12) ([1])

(Reference for a preliminary ruling — Social policy — Framework Agreement on part-time work — Principle of non-discrimination — Collective agreement providing for a dependent child allowance — Calculation of allowance paid to part-time workers in accordance with the principle of pro rata temporis)

(2015/C 007/02)

Language of the case: German

Referring court

Oberster Gerichtshof

Parties to the main proceedings

Applicant: Österreichischer Gewerkschaftsbund

Defendant: Verband Österreichischer Banken und Bankiers

Operative part of the judgment

Clause 4.2 of the Framework Agreement on part-time work concluded on 6 June 1997, which is annexed to Council Directive 97/81/EC of 15 December 1997 concerning the framework agreement on part-time work concluded by UNICE, CEEP and the ETUC, as amended by Council Directive 98/23/EC of 7 April 1998, must be interpreted as meaning that the principle pro rata temporis applies to the calculation of the amount of a dependent child allowance paid by an employer to a part-time worker pursuant to a collective agreement such as that applicable to the employees of Austrian banks and bankers.

([1]) OJ C 32, 2.2.2013.

Judgment of the Court (Fifth Chamber) of 6 November 2014 (request for a preliminary ruling from the Bundesfinanzhof — Germany) — Agentur für Arbeit Krefeld — Familienkasse v Susanne Fassbender-Firman

(Case C-4/13) ([1])

(Social security — Regulation (EEC) No 1408/71 — Family benefits — Rules governing cases of overlapping entitlements to family benefits)

(2015/C 007/03)

Language of the case: German

Referring court

Bundesfinanzhof

Parties to the main proceedings

Appellant: Agentur für Arbeit Krefeld — Familienkasse

Respondant: Susanne Fassbender-Firman

Operative part of the judgment

Article 76(2) of Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, as amended and updated by Council Regulation (EC) No 118/97 of 2 December 1996, as amended by Council Regulation (EC) No 1606/98 of 29 June 1998, must be interpreted as authorising the Member State of employment to provide in its legislation for suspension by the competent institution of entitlement to family benefits when no application has been made for family benefits in the Member State of residence. In such circumstances, if the Member State of employment provides for such suspension of entitlement to family benefits in its national legislation, the competent institution is bound to apply that suspension in accordance with Article 76(2) of Regulation No 1408/71, provided that the conditions for the application of that legislation are met, and has no discretion in that regard.

([1]) OJ C 101, 6.4.2013.

Judgment of the Court (Tenth Chamber) of 6 November 2014 (request for a preliminary ruling from the Tribunale amministrativo regionale per la Lombardia — Italy) — Cartiera dell'Adda SpA v CEM Ambiente SpA

(Case C-42/13) ([1])

(Public procurement — Principles of equal treatment and transparency — Directive 2004/18/EC — Grounds for excluding a tenderer from participating — Article 45 — The personal situation of the candidate or tenderer — Compulsory statement concerning the person designated as 'technical director' — Statement not included with the tender — Exclusion from the contract without any possibility of remedying that omission)

(2015/C 007/04)

Language of the case: Italian

Referring court

Tribunale amministrativo regionale per la Lombardia

Parties to the main proceedings

Applicant: Cartiera dell'Adda SpA

Defendant: CEM Ambiente SpA

Operative part of the judgment

Article 45 of Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts, as amended by Commission Regulation (EC) No 1177/2009 of 30 November 2009, read in conjunction with Article 2 of the directive, and the principle of equal treatment and the obligation of transparency must be interpreted as not precluding the exclusion of an economic operator from a procurement procedure on the ground that the operator has failed to comply with the requirement laid down in the contract documentation to annex to his bid, on pain of exclusion, a statement to the effect that the person designated in the bid as the operator's technical director has not been the subject of criminal proceedings or a conviction, even where, at a date after the expiry of the deadline for submitting bids, such a statement has been provided to the contracting authority or it is shown that the person in question was identified as the technical director in error.

([1]) OJ C 101, 6.4.2013.

Judgment of the Court (First Chamber) of 5 November 2014 (request for a preliminary ruling from the Administrativen sad Sofia-grad — Bulgaria) — Snezhana Somova v Glaven direktor na Stolichno upravlenie 'Sotsialno osiguryavane'

(Case C-103/13) ([1])

(Reference for a preliminary ruling — Social security — Regulation (EEC) No 1408/71 — Articles 12, 45, 46 and 94 — National legislation making the grant of a pension subject to a condition that old-age insurance contributions be discontinued — Purchase of missing periods of insurance in return for the payment of contributions — Overlapping of periods of insurance in several Member States — Possibility for the insured person to waive the rule relating to the aggregation of periods of contribution and insurance — Cancellation of the pension granted and recovery of any overpayment — Requirement to pay interest)

(2015/C 007/05)

Language of the case: Bulgarian

Referring court

Administrativen sad Sofia-grad

Parties to the main proceedings

Applicant: Snezhana Somova

Defendant: Glaven direktor na Stolichno upravlenie 'Sotsialno osiguryavane'

Operative part of the judgment

1. *Article 49 TFEU precludes legislation of a Member State, such as Article 94(1) of the Social Insurance Code (Kodeks za sotsialnoto osiguryavane), which makes the award of an old-age pension subject to the prior condition of discontinuing the payment of social security contributions relating to activities carried out in another Member State.*

2. *Articles 45, 46(2) and 94(2) of Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, in the version amended and updated by Council Regulation (EC) No 118/97 of 2 December 1996, as amended by Regulation (EC) No 1992/2006 of the European Parliament and of the Council of 18 December 2006, must be interpreted as not permitting insured persons to choose that, for the purposes of determining rights acquired in a Member State, periods of insurance completed in another Member State prior to the date of application of that regulation in the first Member State are not taken into account.*

([1]) OJ C 129, 4.5.2013.

Judgment of the Court (Fifth Chamber) of 6 November 2014 (request for a preliminary ruling from the Conseil d'État — France) — Mac GmbH v Ministère de l'Agriculture, de l'Agroalimentaire et de la Forêt

(Case C-108/13) ([1])

(Free movement of goods — Quantitative restrictions — Measures having equivalent effect — Plant protection products — Marketing authorisation — Parallel import — Requirement for a marketing authorisation granted in accordance with Directive 91/414/EEC in the exporting State)

(2015/C 007/06)

Language of the case: French

Referring court

Conseil d'État

Parties to the main proceedings

Applicant: Mac GmbH

Defendant: Ministère de l'Agriculture, de l'Agroalimentaire et de la Forêt

Operative part of the judgment

Articles 34 TFEU and 36 TFEU must be interpreted as precluding national legislation under which a parallel import authorisation may not be granted for a plant protection product which does not have, in the exporting Member State, a marketing authorisation granted in accordance with Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market, even though that product has a parallel import authorisation and may be regarded as identical to a product covered by a marketing authorisation granted in accordance with that directive in the importing Member State.

([1]) OJ C 141, 18.5.2013.

Judgment of the Court (Fifth Chamber) of 5 November 2014 (request for a preliminary ruling from the Bayerisches Verwaltungsgericht München — Germany) — Herbaria Kräuterparadies GmbH v Freistaat Bayern

(Case C-137/13) ([1])

(Request for a preliminary ruling — Agriculture — Common agricultural policy — Organic production and labelling of organic products — Regulation (EC) No 889/2008 — Article 27(1)(f) — Use of certain products and certain substances in the processing of foodstuffs — Prohibition of the use of minerals, vitamins, amino acids and micronutrients where not legally required — Addition of ferrous gluconate and vitamins to an organic beverage — Use of minerals, vitamins, amino acids and micronutrients — Quantities required to allow sale as a food supplement, with a nutrition or health claim or as a foodstuff for a particular nutritional use)

(2015/C 007/07)

Language of the case: German

Referring court

Bayerisches Verwaltungsgericht München

Parties to the main proceedings

Applicant: Herbaria Kräuterparadies GmbH

Defendant: Freistaat Bayern

Operative part of the judgment

Article 27(1)(f) of Commission Regulation (EC) No 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products must be interpreted as meaning that the use of one of the substances referred to is legally required only when a provision of EU law or a provision of national law compatible therewith directly requires that that substance be added to a foodstuff in order for that foodstuff to be placed on the market. The use of such a substance is not legally required within the meaning of that provision where a foodstuff is marketed as a food supplement, with a nutrition or health claim or as a foodstuff for a particular nutritional use, although that implies that, in order to comply with the provisions governing the incorporation of substances into foodstuffs, included in:

— *Directive 2002/46/EC of the European Parliament and of the Council of 10 June 2002 on the approximation of the laws of the Member States relating to food supplements, as amended by Regulation (EC) No 1137/2008 of the European Parliament and of the Council of 22 October 2008;*

— *Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods and Commission Regulation (EU) No 432/2012 of 16 May 2012 establishing a list of permitted health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health; and*

— *Directive 2009/39/EC of the European Parliament and of the Council of 6 May 2009 on foodstuffs intended for particular nutritional uses and Commission Regulation (EC) No 953/2009 of 13 October 2009 on substances that may be added for specific nutritional purposes in foods for particular nutritional uses;*

that foodstuff must contain a determined quantity of the substance in question.

([1]) OJ C 171, 15.6.2013.

Judgment of the Court (Fifth Chamber) of 5 November 2014 (request for a preliminary ruling from the Tribunal administratif de Melun — France) — Sophie Mukarubega v Préfet de police, Préfet de la Seine-Saint-Denis

(Case C-166/13) ([1])

(Reference for a preliminary ruling — Visas, asylum, immigration and other policies related to free movement of persons — Directive 2008/115/EC — Return of illegally staying third-country nationals — Procedure for the adoption of a return decision — Principle of respect for the rights of the defence — Right of an illegally staying third-country national to be heard before the adoption of a decision liable to affect her interests — Administrative authority refusing to grant such a national resident permit as an asylum applicant and imposing an obligation to leave the territory — Right to be heard before the return decision is issued)

(2015/C 007/08)

Language of the case: French

Referring court

Tribunal administratif de Melun

Parties to the main proceedings

Applicant: Sophie Mukarubega

Defendant: Préfet de police, Préfet de la Seine-Saint-Denis

Operative part of the judgment

In circumstances such as those at issue in the main proceedings, the right to be heard in all proceedings, as it applies in the context of Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, and in particular Article 6 thereof, must be interpreted as meaning that a national authority is not precluded from failing to hear a third-country national specifically on the subject of a return decision where, after that authority has determined that the third-country national is staying illegally in the national territory on the conclusion of a procedure which fully respected that person's right to be heard, it is contemplating the adoption of such a decision in respect of that person, whether or not that return decision is the result of refusal of a residence permit.

([1]) OJ C 164, 8.6.2013.

Judgment of the Court (Fifth Chamber) of 5 November 2014 (request for a preliminary ruling from the Centrale Raad van Beroep — Netherlands) — O. Tümer v Raad van bestuur van het Uitvoeringsinstituut werknemersverzekeringen

(Case C-311/13) ([1])

(Protection of employees in the event of the employer's insolvency — Directive 80/987/EEC — Employee who is a third-country national and who does not hold a valid residence permit — Refusal to grant an insolvency benefit)

(2015/C 007/09)

Language of the case: Dutch

Referring court

Centrale Raad van Beroep

Parties to the main proceedings

Appellant: O. Tümer

Respondent: Raad van bestuur van het Uitvoeringsinstituut werknemersverzekeringen

Operative part of the judgment

Council Directive 80/987/EEC of 20 October 1980 relating to the protection of employees in the event of the insolvency of their employer, as amended by Directive 2002/74/EC of the European Parliament and of the Council of 23 September 2002, must be interpreted as precluding national legislation on the protection of employees in the event of the insolvency of their employer, such as that at issue in the main proceedings, under which a third-country national who is not legally resident in the Member State concerned is not to be regarded as an employee with the right to an insolvency benefit — on the basis, in particular, of claims relating to unpaid wages — in the event of his employer's insolvency, even though that third-country national is recognised under the civil law of the Member State as having the status of an 'employee' with an entitlement to pay which could be the subject of an action against his employer before the national courts.

([1]) OJ C 250, 31.8.2013.

Judgment of the Court (First Chamber) of 6 November 2014 (request for a preliminary ruling from the Scottish Land Court — United Kingdom) — Robin John Feakins v The Scottish Ministers

(Case C-335/13) ([1])

(Reference for a preliminary ruling — Common agricultural policy — Single payment scheme — Commission Regulation (EC) No 795/2004 — Article 18(2) — National reserve — Exceptional circumstances — Principle of equal treatment)

(2015/C 007/10)

Language of the case: English

Referring court

Scottish Land Court

Parties to the main proceedings

Applicant: Robin John Feakins

Defendant: The Scottish Ministers

Operative part of the judgment

1) *Article 18(2) of Commission Regulation (EC) No 795/2004 of 21 April 2004 laying down detailed rules for the implementation of the single payment scheme provided for in Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers, as amended by Commission Regulation (EC) No 1974/2004 of 29 October 2004, must be interpreted as applying, first, in the case where a farmer meets the conditions for the application of any two or more of Articles 19 to 23a of Regulation No 795/2004, as amended by Regulation No 1974/2004, and, second, in the case where a farmer who meets the conditions for the application of at least one of Articles 19 to 23a of Regulation No 795/2004, as amended by Regulation No 1974/2004, also meets the conditions for the application of at least one of Articles 37(2), 40, 42(3) and 42(5) of Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) No 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001.*

2) *Article 18(2) of Regulation No 795/2004, as amended by Regulation No 1974/2004, is invalid in so far as it precludes a farmer who has suffered exceptional circumstances, within the meaning of Article 40 of Regulation No 1782/2003, from benefiting from both an adjustment of his reference amount under that provision and an additional reference amount from the national reserve under one of Articles 19 to 23a of Regulation No 795/2004, as amended by Regulation No 1974/2004, whereas a farmer who has not faced such circumstances and who has been allocated a reference amount calculated pursuant to Article 37(1) of Regulation No 1782/2003 may receive both that amount and a reference amount from the national reserve under one of Articles 19 to 23a of Regulation No 795/2004, as amended by Regulation No 1974/2004.*

([1]) OJ C 260, 7.9.2013.

Judgment of the Court (Sixth Chamber) of 6 November 2014 — Italian Republic v European Commission

(Case C-385/13 P) ([1])

(Appeal — European Regional Development Fund (ERDF) — Campania Regional Operational Programme (ROP) 2000-2006 — Regulation (EC) No 1260/1999 — Article 32(3)(f) — Infringement procedure in respect of the Italian Republic concerning waste management in the Campania region — Decision not to make interim payments in connection with the ROP measure concerning waste management and disposal)

(2015/C 007/11)

Language of the case: Italian

Parties

Appellant: Italian Republic (represented by: G. Palmieri, acting as Agent, and by P. Gentili, avvocato dello Stato)

Other party to the proceedings: European Commission (represented by: D. Recchia and A. Steiblytė, acting as Agents)

Operative part of the judgment

The Court:

1) *Dismisses the appeal.*

2) *Orders the Italian Republic to pay the costs.*

([1]) OJ C 252, 31.8.2013.

Judgment of the Court (Fifth Chamber) of 6 November 2014 — European Commission v Kingdom of Belgium

(Case C-395/13) ([1])

(Failure of a Member State to fulfil obligations — Urban waste water — Directive 91/271/EEC — Articles 3 and 4 — Obligation to collect — Obligation to treat)

(2015/C 007/12)

Language of the case: French

Parties

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

Defendant: Kingdom of Belgium (represented by: T. Materne and J.-C. Halleux, acting as Agents, assisted by E. Gillet and A. Lepièce, avocats)

Operative part of the judgment

The Court:

1. *Declares that, by not ensuring the collection and treatment of urban waste waters of the agglomerations of Aywaille, Baelen, Blegny, Chastre, Grez-Doiceau, Jodoigne, Lasne, Obourg, Oreye, Orp, Raeren, Sart-Dames-Avelines, Soiron, Sombreffe and Yvoir-Anhée, and by not ensuring the treatment of urban waste waters of the agglomerations of Bassenge, Chaumont-Gistoux, Chièvres, Crisnée, Dalhem, Dinant, Ecaussinnes, Estinnes, Feluy-Arquennes, Fexhe-Slins, Fosses-la-Ville, Godarville, Hannut, Havré, Jurbise, Le Rœulx, Leuze, Lillois-Witterzée, Profondeville, Rotheux-Neuville, Saint-Georges-sur-Meuse, Saint-Hubert, Sirault, Sprimont, Villers-la-Ville, Villers-le-Bouillet, Virginal-Hennuyères, Walcourt, Welkenraedt, Wépion, Wiers, Gaurain-Ramecroix and Hélécine, the Kingdom of Belgium has failed to fulfil its obligations under Articles 3 and 4 of Council Directive 91/271/EEC of 21 May 1991 concerning urban waste water treatment;*

2. *Orders the Kingdom of Belgium to pay the costs.*

([1]) OJ C 274, 21.9.2013.

Judgment of the Court (Tenth Chamber) of 6 November 2014 (request for a preliminary ruling from the Corte suprema di cassazione — Italy) — Agenzia delle Dogane, Ufficio di Verona dell'Agenzia delle Dogane v ADL American Dataline Srl

(Case C-546/13) ([1])

(Reference for a preliminary ruling — Regulation (EEC) No 2658/87 — Common Customs Tariff — Tariff classification — Combined Nomenclature — Headings 8471 and 8518 — Loudspeakers reproducing sound by transforming an electromagnetic signal into sound waves, which can be connected only to a computer and marketed separately)

(2015/C 007/13)

Language of the case: Italian

Referring court

Corte suprema di cassazione

Parties to the main proceedings

Applicants: Agenzia delle Dogane, Ufficio di Verona dell'Agenzia delle Dogane

Defendant: ADL American Dataline Srl

Operative part of the judgment

The Combined Nomenclature set out in Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff, as amended by Commission Regulation (EC) No 2388/2000 of 13 October 2000, Commission Regulation (EC) No 2031/2001 of 6 August 2001, Commission Regulation (EC) No 1832/2002 of 1 August 2002 and Commission Regulation (EC) No 1789/2003 of 11 September 2003, must be interpreted as meaning that goods such as those at issue in the main proceedings, which are connected to a computer equipped with the operating system 'MAC OS 9' or a more advanced system, must be classified as loudspeakers in subheading 8518 22 90 of that nomenclature.

([1]) OJ C 377, 21.12.2013.

Judgment of the Court (Sixth Chamber) of 6 November 2014 — Kingdom of the Netherlands v European Commission

(Case C-610/13 P) ([1])

(Appeal — EAGGF, EAGF and EAFRD — Expenditure excluded from European Union financing — Expenditure incurred by the Netherlands)

(2015/C 007/14)

Language of the case: Dutch

Parties

Appellant: Kingdom of the Netherlands (represented by: M. Bulterman and M. de Ree, acting as Agents)

Other party to the proceedings: European Commission (represented by: A. Bouquet and H. Kranenborg, acting as Agents)

Operative part of the judgment

The Court:

1) *Dismisses the appeal.*

2) *Orders the Kingdom of the Netherlands to pay the costs.*

([1]) OJ C 31, 1.2.2014.

Judgment of the Court (Eighth Chamber) of 6 November 2014 — European Commission v Kingdom of Denmark

(Case C-190/14) ([1])

(Failure of a Member State to fulfil obligations — Directive 2000/60/EC — European Union water policy — River basin management plans — Publication — Failure to notify the European Commission)

(2015/C 007/15)

Language of the case: Danish

Parties

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

Defendant: Kingdom of Denmark (represented by: C. Thorning and M. Wolff, acting as Agents)

Operative part of the judgment

The Court:

1) *Declares that, by failing to publish the final river basin management plans by 22 December 2009 at the latest and by failing to send a copy of those plans to the Commission by 22 March 2010 at the latest, the Kingdom of Denmark has failed to fulfil its obligations under Article 13(1), (2) and (6) and Article 15(1) of Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy.*

2) *Orders the Kingdom of Denmark to pay the costs.*

([1]) OJ C 223, 14.7.2014.

Appeal brought on 7 April 2014 by Eleonora Giulia Calvi against the order of the General Court (Sixth Chamber) delivered on 31 March 2014 in Case T-159/14 Eleonora Giulia Calvi v European Court of Human Rights

(Case C-171/14 P)

(2015/C 007/16)

Language of the case: Italian

Parties

Appellant: Eleonora Giulia Calvi (represented by: M. Schirò and G. Crespi, avvocati)

Other party to the proceedings: European Court of Human Rights

By order of 9 October 2014, the Court of Justice (Sixth Chamber) dismissed the appeal as manifestly unfounded.

Request for a preliminary ruling from the Fővárosi Közigazgatási és Munkaügyi Bíróság (Hungary) lodged on 3 October 2014 — Fadil Cocaj v Bevándorlási és Állampolgársági Hivatal

(Case C-459/14)

(2015/C 007/17)

Language of the case: Hungarian

Referring court

Fővárosi Közigazgatási és Munkaügyi Bíróság

Parties to the main proceedings

Applicant: Fadil Cocaj

Defendant: Bevándorlási és Állampolgársági Hivatal

Question referred

1) What is the precise formal and substantive content and the requirements of the registration referred to in Article 2(2)(b) of Directive 2004/38/EC ([1]) of the European Parliament and of the Council of 29 April 2004?

2) In what manner, in what form and before which authority must the registration referred to in Article 2(2)(b) of Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 take place? If the registration has to be effected through an authority, what formal and substantive criteria must that authority fulfil in the Member State in question?

3) Can the above provisions of the directive — having regard to the content of Article 37 — be interpreted as meaning that the provisions relating to partners concern only different-sex partners or do they also concern same-sex partners?

4) If the legislation of a Member State grants the status of family member within the meaning of the directive to registered partners, can the directive be interpreted as relating only to different-sex partners?

5) Can the directive be interpreted as meaning for the purposes of its application, that a registered partnership must be considered to exist if the party appears in the Member State's register of declarations of partnership?

6) Can the above provisions of the directive be interpreted as meaning that if a Member State's legislation does not treat the registered partnership as equivalent in all respects to marriage, such partnerships do not in any circumstances confer the status of family member, even having regard to Article 37?

7) Can the above provisions of the directive be interpreted as meaning that the equivalence to marriage must encompass all legal situations and consequences? If full equivalence is not required, what aspects of the two statuses must be the same in any event?

8) Is it or might it be relevant for the purposes of the application of the above provisions of the directive, whether the legislation of a Member State distinguishes between statutory recording ('*bejegyzés*') and registration ('*regisztráció*') or uses the terms interchangeably?

9) Can Article 37 of the directive be interpreted as meaning that legislation of a Member State which does not provide that partnerships are to be equivalent to marriage must be regarded as more favourable national legislation under Article 37?

([1]) Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC; OJ 2004 L 158, p. 77.

Request for a preliminary ruling from Tribunal Supremo — Sala Tercera Contencioso-Administrativo (Spain) lodged on 14 October 2014 — Entidad de Gestión de Derechos de los Productores Audiovisuales (EGEDA) and Others v Administración del Estado and Others

(Case C-470/14)

(2015/C 007/18)

Language of the case: Spanish

Referring court

Tribunal Supremo, Sala Tercera Contencioso-Administrativo

Parties to the main proceedings

Applicants: Entidad de Gestión de Derechos de los Productores Audiovisuales (EGEDA), Derechos de Autor de Medios Audiovisuales (DAMA) and Visual Entidad de Gestión de Artistas Plásticos (VEGAP)

Defendants: Administración del Estado, Asociación Multisectorial de Empresas de la Electrónica, las Tecnologías de la Información y la Comunicación, de las Telecomunicaciones y de los contenidos Digitales (AMETIC), Entidad de Gestión, Artistas, Intérpretes o Ejecutantes y Sociedad de Gestión de España (AIE), Asociación de Gestión de Derechos Intelectuales (AGEDI), Sociedad General de Autores y Editores (SGAE), Centro Español de Derechos Reprográficos (CEDRO) and Artistas Intérpretes, Sociedad de Gestión (AISGE)

Questions referred

1) Is a scheme for fair compensation for private copying compatible with Article 5(2)(b) of Directive 2001/29 ([1]) where the scheme, while taking as a basis an estimate of the harm actually caused, is financed from the General State Budget, it thus not being possible to ensure that the cost of that compensation is borne by the users of private copies?

2) If the first question is answered in the affirmative, is the scheme compatible with Article 5(2)(b) of Directive 2001/29 where the total amount allocated by the General State Budget to fair compensation for private copying, although it is calculated on the basis of the harm actually caused, has to be set within the budgetary limits established for each financial year?

(1) Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society OJ 2001 L 167, p. 10.

Request for a preliminary ruling from the Simvoulio tis Epikratias (Greece) lodged on 20 October 2014 — Dimos Kropias Attikis v Ipourgos Perivallontos, Energias kai Klimatikis Allagis

(Case C-473/14)

(2015/C 007/19)

Language of the case: Greek

Referring court

Simvoulio tis Epikratias

Parties to the main proceedings

Applicant: Dimos Kropias Attikis

Defendant: Ipourgos Perivallontos, Energias kai Klimatikis Allagis

Questions referred

1. Is a master plan for a metropolitan urban-planning area which sets out general objectives, guidelines and programmes for organising the spatial and urban planning of the broader metropolitan area, in particular establishing as individual general objectives the protection of the mountainous areas surrounding the metropolitan area and the containment of urban sprawl, a plan which allows the competent administrative authority not to subject a plan — which is subsequently adopted by means of a decree pursuant to the law containing the aforementioned initial master plan and which defines protection zones in one of the aforementioned mountainous areas and the related permitted land uses and activities, in order to give more specific expression to and implement the objectives for the protection of mountainous areas and the containment of urban sprawl — to the strategic environmental assessment procedure laid down in Directive 2001/42/EC (1) (OJ 2001 L 197), within the meaning of Article 3 thereof, as interpreted by the judgment of the Court of Justice in Case C-567/10 *Inter-Environnement Bruxelles and Others* [2012], paragraph 42?

2. If the answer to the previous question is in the affirmative: where, due to the time of the adoption of the plan to which more specific expression has been given within the framework of a hierarchy of spatial planning acts, no strategic environmental assessment under the aforementioned Directive 2001/42/EC was carried out in respect of that plan, must that assessment be carried out in respect of the measure, adopted when the directive is in force, which gives more specific expression to that plan?

3. If the answer to the second question is in the negative: where a decree contains rules relating to protection measures and to permitted activities and land uses in an area included in the national part of the NATURA network as a SCI [Site of Community Importance], SAC [Special Area of Conservation] and SPA [Special Protection Area], and those rules admittedly establish a regime of absolute nature protection, permitting only fire protection installations, forest management and hiking paths, but it is not apparent from the preparatory acts for the introduction of those rules that the conservation objectives of those areas — namely the specific environmental characteristics on account of which they were selected for inclusion in the NATURA network — were taken into account, while moreover uses that are no longer permitted are also still maintained within the area in question on the basis of those rules solely due to the fact that they were compatible with the previous protection regime, is that decree a management plan, within the meaning of Article 6(3) of Directive 92/43/EEC (2) (OJ 1992 L 206), prior to the adoption of which there was no obligation to carry out a strategic environmental assessment, in accordance with that article interpreted in conjunction with Article 3 (2)(b) of the aforementioned Directive 2001/42/EC?

4. Finally, if the answer to the third question is in the affirmative: when a spatial planning measure has been adopted that relates to a wider single geographical area, and requires, in principle, under Article 3(2)(b) of Directive 2001/42/EC in conjunction with Article 6(3) of Directive 92/43/EEC, the carrying out of a strategic environmental assessment, which did not take place, and if it is found that the carrying out of a prior environmental assessment was required only for certain sections of this area — on account of the rules finally imposed in relation to the land uses and activities permitted in those sections, which do not constitute mere management plans — whereas for the largest part this assessment was not required because the rules adopted, in so far as they relate to these sections, in practice constitute a management plan, for which, in accordance with Article 3(2)(b) of Directive 2001/42/EC in conjunction with Article 6 (3) of Directive 92/43/EEC, there is no obligation to carry out such an assessment, is it possible, for the purposes of Directive 2001/42/EC, to find that this body of rules is partially invalid and, therefore, to annul it only in respect of the sections of the area which, because of the rules finally imposed, require the carrying out of a prior environmental assessment, with the further consequence, after the partial annulment of the measure in question, that a strategic environmental assessment takes place only in relation to this part and not the overall area?

([1]) Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment.

([2]) Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora.

Request for a preliminary ruling from the Lietuvos Aukščiausiasis Teismas (Lithuania) lodged on 17 October 2014 — AAS Gjensidige Baltic, acting through the Lithuanian branch of AAS Gjensidige Baltic v UAB DK PZU Lietuva

(Case C-475/14)

(2015/C 007/20)

Language of the case: Lithuanian

Referring court

Lietuvos Aukščiausiasis Teismas

Parties to the main proceedings

Appellant in cassation: AAS Gjensidige Baltic, acting through the Lithuanian branch of AAS Gjensidige Baltic

Other party to the proceedings: UAB DK PZU Lietuva

Questions referred

1. Does Article 14(b) of Directive 2009/103/EC ([1]) lay down a conflict-of-law rule, which *ratione personae* should be applied not only to the victims of road traffic accidents but also to the insurers of the vehicle responsible for the damage caused in the accident, for the purposes of determining the law applicable to the relations between them, and is this provision a special rule with respect to the rules on the applicable law laid down in the Rome I ([2]) and Rome II ([3]) regulations?

2. If the first question is answered in the negative, it is important to ascertain whether the legal relations between the insurers in the present case fall within the concept of 'contractual obligations' within the meaning of Article 1(1) of the Rome I regulation. If the legal relations between the insurers do fall within the concept of 'contractual obligations', the important question is then whether those relations fall within the category of insurance contracts (legal relations) and the law applicable to them should be determined in accordance with Article 7 of the Rome I regulation.

3. If the first two questions are answered in the negative, it is important to ascertain whether, in the case of a claim for recourse, the legal relations between the insurers of vehicles used in a combination fall within the concept of a 'non-contractual obligation' within the meaning of the Rome II regulation and whether or not these relations should be treated as derivative legal relations arising as a result of the road traffic accident (delict), when determining the applicable law in accordance with Article 4(1) of the Rome II regulation. In a case such as the present case, should the insurers of the vehicles used in a combination be treated as debtors who are liable for the same claim within the meaning of Article 20 of the Rome II regulation, and should the law applicable to the relations between them be determined according to that rule?

([1]) Directive 2009/103/EC of the European Parliament and of the Council of 16 September 2009 relating to insurance against civil liability in respect of the use of motor vehicles, and the enforcement of the obligation to insure against such liability (OJ 2009 L 263, p. 11).

([2]) Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) (OJ 2008 L 177, p. 6).

([3]) Regulation (EC) No 864/2007 of the European Parliament and of the Council of 11 July 2007 on the law applicable to non-contractual obligations (Rome II) (OJ 2007 L 199, p. 40).

Reference for a preliminary ruling from High Court of Justice Queen's Bench Division (Administrative Court) (England and Wales) (United Kingdom) made on 27 October 2014 — Pillbox 38 (UK) Limited, trading as 'Totally Wicked' v Secretary of State for Health

(Case C-477/14)

(2015/C 007/21)

Language of the case: English

Referring court

High Court of Justice Queen's Bench Division (Administrative Court)

Parties to the main proceedings

Applicant: Pillbox 38 (UK) Limited, trading as 'Totally Wicked'

Defendant: Secretary of State for Health

Questions referred

Is Article 20 of Directive 2014/40/EU of the European Parliament and of the Council of April 2014 ([1]) on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC ([2]) invalid, either in whole or in a relevant part, for one or more of the following reasons:

— It imposes either as a whole or in a relevant part a series of obligations on electronic cigarette manufacturers and/or retailers which infringe the principle of proportionality, read in conjunction with the principle of legal certainty?

— For equivalent or similar reasons, it fails to comply with the principle of equality and/or unlawfully distorts competition?

— It fails to comply with the principle of subsidiarity?

— It infringes the rights of electronic cigarette manufacturers or retailers under Articles 16 and/or 17 of the Charter of Fundamental Rights?

([1]) OJ L 127, p. 1.

([2]) OJ L 194, p. 26.

Reference for a preliminary ruling from the Tribunale ordinario di Cagliari (Italy) lodged on 27 October 2014 — Criminal proceedings against Roberto Siddu

(Case C-478/14)

(2015/C 007/22)

Language of the case: Italian

Referring court

Tribunale ordinario di Cagliari

Party to the main proceedings

Roberto Siddu

Questions referred

1. Are Article 49 et seq. TFEU and Article 56 et seq. TFEU and the principles laid down by the Court of Justice of the European Union in [Joined Cases C-72/10 and C 77/10 Costa and Cifone [2012] ECR] to be interpreted as precluding a call for tenders for the award of licences with a period of validity shorter than that of licences awarded in the past, where that tendering procedure has been launched in order to remedy the consequences of the unlawful exclusion of a certain number of operators from earlier tendering procedures?

2. Are Article 49 et seq. TFEU and Article 56 et seq. TFEU and the principles laid down by the Court of Justice of the European Union in Costa and Cifone to be interpreted as precluding the possibility that sufficient justification for the shorter period of validity of licences offered for tender, as compared with licences awarded in the past, can be found in the requirement for the licensing system to be reorganised through the alignment of licence expiry dates?

Request for a preliminary ruling from the Consiglio di Stato (Italy) lodged on 29 October 2014 — Società Sogno di Tolosa Limited and Others v Ministero dell'Economia e delle Finanze and Agenzia delle Dogane e dei Monopoli di Stato

(Case C-480/14)

(2015/C 007/23)

Language of the case: Italian

Referring court

Consiglio di Stato

Parties to the main proceedings

Applicants: Società Sogno di Tolosa Limited, Ds di Dimarco Enzo & C. Sas, Centro Servizi di Barillà Marco, Assok di Rambaldi Stefano e Casbarra Luca Snc, Dg Comunicazioni di Di Giorno Giancarlo, Tamara Maraboli, Andrea Cappiello, Depa di Delberba C. Sas, Luca Campioni, Danio Milazzo, Andrea Menna, Emilio Schiavone, Sandro Casalboni, Lorena Bertora and Andromeda di Novellis Alessandro e Stellini Roberto Snc

Defendants: Ministero dell'Economia e delle Finanze and Agenzia delle Dogane e dei Monopoli di Stato

Other parties to the proceedings: Carmelo Sisino and Others

Questions referred

1) Are Article 49 et seq. TFEU and Article 56 et seq. TFEU and the principles laid down by the Court of Justice of the European Union in [Joined Cases C-72/10 and C-77/10 *Costa and Cifone* [2012] ECR] to be interpreted as precluding a call for tenders for the award of licences with a period of validity shorter than that of licences awarded in the past, where that tendering procedure has been launched in order to remedy the consequences of the unlawful exclusion of a certain number of operators from earlier tendering procedures?

2) Are Article 49 et seq. TFEU and Article 56 et seq. TFEU and the principles laid down by the Court of Justice of the European Union in *Costa and Cifone* to be interpreted as precluding the possibility that sufficient justification for the shorter period of validity of licences offered for tender, as compared with licences awarded in the past, can be found in the requirement for the licensing system to be reorganised through the alignment of licence expiry dates?

Action brought on 3 November 2014 — European Commission v French Republic

(Case C-485/14)

(2015/C 007/24)

Language of the case: French

Parties

Applicant: European Commission (represented by: J.-F. Brakeland and W. Roels, acting as Agents)

Defendant: French Republic

Form of order sought

— Declare that, by exempting from *droits de mutation à titre gratuit* (duty payable on transfers for which no consideration is given) gifts and legacies to public bodies or to charitable bodies only where such bodies are established in France, in a Member State or in a State which is party to the Agreement on the European Economic Area which has concluded a bilateral agreement with France, the French Republic has failed to fulfil its obligations under Article 63 of the Treaty on the Functioning of the European Union and Article 40 of the Agreement on the European Economic Area, and

— order French Republic to pay the costs.

Pleas in law and main arguments

According to the Commission, French legislation, as interpreted by the tax authorities, exempts from *droits de mutation à titre gratuit* gifts and legacies to public bodies or to charitable bodies only where such bodies are established in France, in a Member State or in a State which is party to the Agreement on the European Economic Area which has concluded a bilateral agreement with France. The Commission considers that that constitutes a restriction on free movement of capital, contrary to Article 56 EC and Article 40 of the EEA Agreement.

By way of justification for such an arrangement, the French Republic claims, as its principal argument, that French legislation makes a distinction between tax payers who are not in an objectively comparable situation and, in the alternative, puts forward a public interest argument, based on the need to collect taxes.

The Commission contests that justification. In its view, the contested provisions make a distinction on the basis of criteria that are purely geographical. Moreover, the Commission considers that the public interest plea relied on does not satisfy the requirements laid down by case-law, in particular the judgment in *Persche* ([1]). Lastly, the Commission is of the view that the restriction on the movement of capital is, in any event, disproportionate.

([1]) Judgment in *Persche*, C-318/07, ECLI:EU:C:2009:33.

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

(Case C-504/14)

(2015/C 007/25)

Language of the case: Greek

Parties

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

Defendant: Hellenic Republic

Form of order sought

The applicant claims that the Court should:

— Declare that the Hellenic Republic has failed to fulfil its obligations under:

— Article 6(2) and (3) of Council Directive 92/43/EEC ([1]) of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, (a) by failing to take the appropriate measures to avoid the deterioration of natural habitats and the habitats of species, and the disturbance of the species for which a site had been designated, and (b) having permitted (without carrying out any appropriate assessment of the implications, as is laid down in Article 6(3)) activities which are likely to have a significant effect on the site at issue, either individually or in combination with other plans or projects, reducing and destroying the nesting area of the priority species Caretta caretta, which is present there, causing disturbance to the species concerned and, ultimately, reducing and destroying the sand dune habitats 2110, 2220 and the priority habitat 2250;

— Article 12(1)(b) and (d) of that directive, by failing to take the requisite measures to establish and implement an effective system of strict protection for the sea turtle Caretta caretta (a priority species) in Kyparissia Bay in a way which avoids any disturbance of the species concerned during its breeding period and any activity which can cause deterioration or destruction of its breeding sites.

— order the Hellenic Republic to pay the costs.

Pleas in law and main arguments

1. This infringement relates to: (a) the impact of several projects and activities on the Natura 2000 GR2550005 'Thines Kyparissias' site (proposed Site of Community Importance, SCI, from 1 April 1997, and Site of Community Importance, SCI, from 1 September 2006) and, more particularly, on the priority species Caretta caretta and the sand dune habitats, including the priority habitat 2250* Coastal dunes with Juniperus spp and (b) failure to take the necessary measures to establish and implement an effective system of strict protection of the sea turtle Caretta caretta, in the site in question, in order to avoid both any disturbance of that species during its breeding period and any activity which can cause deterioration or destruction of its breeding sites.

2. In 1998, subsequent to the approval of the competent Ministry, the LIFE-Nature management plan LIFE98NAT/GR/5262 ('Application of Management Plan for Caretta caretta in Southern Kyparissia') was initiated. The LIFE management plan culminated in 2002 in the elaboration of a Special Environmental Study (EPM under the Greek legislation) where reference was made to the characteristics of the species and to the need for its effective protection.

3. Following NGO reports and a visit by Commission staff in July 2011 to the site, the Commission initiated the procedure relating to the infringement of the provisions of Directive 92/43/EEC which are set out in the form of order sought in this action.

4. First, the Commission claims that the Hellenic Republic, contrary to the provisions of Article 12 of the directive, failed to ensure:

   The establishment of a system of strict protection of the species listed in Annex IV to the directive, in order to prohibit:

   — deliberate disturbance, particularly in the breeding period;

   — deterioration or destruction of breeding sites or resting places.

5. In particular, there is no full and coherent legislative framework in Greece and there is a failure to implement concrete, specific and effective measures of protection, together with a toleration of activities which not only are likely to cause the deterioration/destruction of the breeding sites but are also likely to disturb the turtle concerned, particularly in the incubation period, the hatching of eggs and in the period when new-born turtles travel to the sea.

6. Further, the Commission claims that the provisions of Article 6(2) and (3) of the directive are infringed in that:

   (a) the deterioration of habitats and significant disturbance of species in designated sites is not avoided. In fact, Greece, by tolerating, contrary to Article 6(2), a series of uncontrolled and/or unregulated activities, has failed in this particular case to take the appropriate measures to ensure the avoidance of such deterioration of habitats and disturbance of species.

   (b) the identified activities at issue were carried out without the prior completion of the required appropriate assessment of their implications either on an individual basis for each particular project or for the evaluation of their combined effects, whereas Article 6(3) of the directive requires that there should be an appropriate assessment of every plan or project which is not directly concerned with or necessary to the conservation of the habitat but which is likely to have significant effects on it, with regard to the implications for its conservation.

(1) OJ 1992 L 206, p. 7.

GENERAL COURT

Judgment of the General Court of 13 November 2014 — Natura Selection v OHIM — Afoi Anezoulaki (natur)

(Case T-549/10) ([1])

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

(2015/C 007/26)

Language of the case: English

Parties

Applicant: Natura Selection, SL (Barcelona, Spain) (represented by: E. Sugrañes Coca, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM: Afoi Anezoulaki AE (Kilikis, Greece)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 6 September 2010 (Case R 217/2010-2), relating to opposition proceedings between Natura Selection, SL and Afoi Anezoulaki AE.

Operative part of the judgment

The Court:

1. *Annuls the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 6 September 2010 (Case R 217/2010-2);*

2. *Orders OHIM to pay the costs.*

([1]) OJ C 46, 12.2.2011.

Judgment of the General Court of 13 November 2014 — Spain v Commission

(Case T-481/11) ([1])

(Agriculture — Common organisation of the markets — Fruit and vegetables sector — Citrus fruits — Action for annulment — Confirmatory measure — New and substantial facts — Admissibility — Conditions for marketing — Provisions concerning marking — Indications of preserving agents or other chemical substances used in post-harvest processing — Standard recommendations adopted by the United Nations-Economic Commission for Europe)

(2015/C 007/27)

Language of the case: Spanish

Parties

Applicant: Kingdom of Spain (represented by: A. Rubio González, abogado del Estado)

Defendant: European Commission (represented by: I. Galindo Martin, B. Schima and K. Skelly, acting as Agents)

Re:

Application for annulment of the fifth indent of section VI D, Part B 2 of Annex I to Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors (OJ 2011 L 157, p. 1).

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders the Kingdom of Spain to pay the costs.*

(1) OJ C 319, 29.10.2011.

Judgment of the General Court of 13 November 2014 — Jaber v Council

(Case T-653/11) (1)

(Common foreign and security policy — Restrictive measures adopted against Syria — Freezing of funds — Action for annulment — Period for bringing proceedings — Partial inadmissibility — Locus standi — Burden of proof — Adjustment of temporal effects of annulment)

(2015/C 007/28)

Language of the case: French

Parties

Applicant: Aiman Jaber (Lattakia, Syria) (represented by: M. Ponsard, D. Amaudruz and A. Boesch, lawyers)

Defendant: Council of the European Union (represented by: B. Driessen and S. Kyriakopoulou, agents)

Re:

Application for annulment of Council Decision 2011/273/CFSP of 9 May 2011 concerning restrictive measures against Syria (OJ 2011 L 121, p. 11), Council Regulation (EU) No 442/2011 of 9 May 2011 concerning restrictive measures in view of the situation in Syria (OJ 2011 L 121, p. 1), Council Implementing Decision 2011/302/CFSP of 23 May 2011 implementing Decision 2011/273 (OJ 2011 L 136, p. 91), Council Implementing Regulation (EU) No 504/2011 of 23 May 2011 implementing Regulation No 442/2011 (OJ 2011 L 136, p. 45), Council Implementing Decision 2011/367/CFSP of 23 June 2011 implementing Decision 2011/273 (OJ 2011 L 164, p. 14), Council Implementing Regulation (EU) No 611/2011 of 23 June 2011 implementing Regulation No 442/2011 (OJ 2011 L 164, p. 1), Council Implementing Decision 2011/488/CFSP of 1 August 2011 implementing Decision 2011/273 (OJ L 199, p. 74), Council Implementing Regulation (EU) No 755/2011 of 1 August 2011 implementing Regulation No 442/2011 (OJ 2011 L 199, p. 33), Council Implementing Decision 2011/515/CFSP of 23 August 2011 implementing Decision 2011/273 (OJ L 218, p. 20), Council Implementing Regulation (EU) No 843/2011 of 23 August 2011 implementing Regulation No 442/2011 (OJ 2011 L 218, p. 1), Council Decision 2011/522/CFSP of 2 September 2011 amending Decision 2011/273 (OJ 2011 L 228, p. 16), Council Regulation (EU) No 878/2011 of 2 September 2011 amending Regulation No 442/2011 (OJ 2011 L 228, p. 1), Council Decision 2011/628/CFSP of 23 September 2011 amending Decision 2011/273 (OJ 2011 L 247, p. 17), Council Regulation (EU) No 950/2011 of 23 September 2011 amending Regulation No 442/2011 (OJ 2011 L 247, p. 3), Council Decision 2011/684/CFSP of 13 October 2011 amending Decision 2011/273 (OJ 2011 L 269, p. 33), Council Regulation (EU) No 1011/2011 of 13 October 2011 amending Regulation No 442/2011 (OJ 2011 L 269, p. 18), Council Decision 2011/735/CFSP of 14 November 2011 amending Decision 2011/273 (OJ 2011 L 296, p. 53), Council Implementing Decision 2011/736/CFSP of 14 November 2011 implementing Decision 2011/273 (OJ 2011 L 296, p. 55), Council Regulation (EU) No 1150/2011 of 14 November 2011 amending Regulation No 442/2011 (OJ 2011 L 296, p. 1), Council Implementing Regulation (EU) No 1151/2011 of 14 November 2011 implementing Regulation No 442/2011 (OJ 2011

L 296, p. 3), Council Decision 2011/782/CFSP of 1 December 2011 concerning restrictive measures against Syria and repealing Decision 2011/273 (OJ 2011 L 319, p. 56), Council Implementing Regulation (EU) No 1244/2011 of 1 December 2011 implementing Regulation No 442/2011 (OJ 2011 L 319, p. 8), Council Regulation (EU) No 36/2012 of 18 January 2012 concerning restrictive measures in view of the situation in Syria and repealing Regulation No 442/2011 (OJ 2012 L 16, p. 1), Council Decision 2012/206/CFSP of 23 April 2012 amending Decision 2011/782 (OJ 2012 L 110, p. 36), Council Implementing Decision 2012/256/CFSP of 14 May 2012 implementing Decision 2011/782 (OJ 2012 L 126, p. 9), Council Implementing Regulation (EU) No 410/2012 of 14 May 2012 implementing Article 32(1) of Regulation No 36/2012 (OJ 2012 L 126, p. 3), Council Regulation (EU) No 509/2012 of 15 June 2012 amending Regulation No 36/2012 (OJ 2012 L 156, p. 10), Council Decision 2012/322/CFSP of 20 June 2012 amending Decision 2011/782 (OJ 2012 L 165, p. 45), Council Implementing Decision 2012/335/CFSP of 25 June 2012 implementing Decision 2011/782 (OJ 2012 L 165, p. 80), Council Implementing Regulation (EU) No 544/2012 of 25 June 2012 implementing Article 32(1) of Regulation No 36/2012 (OJ 2012 L 165, p. 20), Council Regulation (EU) No 545/2012 of 25 June 2012 amending Regulation No 36/2012 (OJ 2012 L 165, p. 23), Council Decision 2012/420/CFSP of 23 July 2012 amending Decision 2011/782 (OJ 2012 L 196, p. 59), Council Implementing Decision 2012/424/CFSP of 23 July 2012 implementing Decision 2011/782 (OJ 2012 L 196, p. 81), Council Implementing Regulation (EU) No°673/2012 of 23 July 2012 implementing Article 32(1) of Regulation No 36/2012 (OJ 2012 L 196, p. 8), Council Decision 2012/739/CFSP of 29 November 2012 concerning restrictive measures against Syria and repealing Decision 2011/782 (OJ 2012 L 330, p. 21), Council Implementing Decision 2013/185/CFSP of 22 April 2013 implementing Decision 2012/739 (OJ 2013 L 111, p. 77), Council Implementing Regulation (EU) No 363/2013 of 22 April 2013 implementing Regulation No 36/2012 (OJ 2013 L 111, p. 1), and Council Decision 2013/255/CFSP of 31 May 2013 concerning restrictive measures against Syria (OJ 2013 L 147, p. 14), in so far as those acts concern the applicant.

Operative part of the judgment

The Court:

1) *Dismisses the action as being inadmissible, because out of time, in so far as it seeks the annulment of Council Implementing Decision 2011/488/CFSP of 1 August 2011 implementing Decision 2011/273 concerning restrictive measures against Syria, and of Council Implementing Regulation (EU) No 755/2011 of 1 August 2011 implementing Regulation No 442/2011 concerning restrictive measures in view of the situation in Syria.*

2) *Dismisses the action as being inadmissible in so far as it seeks the annulment of Council Decision 2011/273/CFSP of 9 May 2011 concerning restrictive measures against Syria, Council Regulation (EU) No 442/2011 of 9 May 2011 concerning restrictive measures in view of the situation in Syria, Council Implementing Decision 2011/302/CFSP of 23 May 2011 implementing Decision 2011/273, Council Implementing Decision 2011/367/CFSP of 23 June 2011 implementing Decision 2011/273, Council Implementing Regulation (EU) No°504/2011 of 23 May 2011 implementing Regulation No 442/2011, Council Implementing Regulation No 611/2001 of 23 June 2001 implementing Regulation No 442/2011, Council Implementing Decision 2011/515/CFSP of 23 August 2011 implementing Decision 2011/273, Council Implementing Regulation (EU) No 843/2011 of 23 August 2011 implementing Regulation No 442/2011, Council Decision 2011/522/CFSP of 2 September 2011 amending Decision 2011/273, Council Regulation (EU) No 878/2011 of 2 September 2011 amending Regulation No 442/2011, Council Decision 2011/628/CFSP of 23 September 2011 amending Decision 2011/273, Council Regulation (EU) No 950/2011 of 23 September 2011 amending Regulation No 442/2011, Council Decision 2011/684/CFSP of 13 October 2011 amending Decision 2011/273, Council Regulation (EU) No 1011/2011 of 13 October 2011 amending Regulation No 442/2011, Council Decision 2011/735/CFSP of 14 November 2011 amending Decision 2011/273, Council Implementing Decision 2011/736/CFSP of 14 November 2011 implementing Decision 2011/273, Council Regulation (EU) No 1150/2011 of 14 November 2011 amending Regulation No 442/2011, Council Implementing Regulation (EU) No 1151/2011 of 14 November 2011 implementing Regulation No 442/2011, Council Implementing Regulation (EU) No 1244/2011 of 1 December 2011 implementing Regulation No 442/2011, Council Decision 2012/206/CFSP of 23 April 2012 amending Decision 2011/782/CFSP concerning restrictive measures against Syria, Council Implementing Decision 2012/256/CFSP of 14 May 2012 implementing Decision 2011/782/CFSP concerning restrictive measures against Syria, Council Implementing Regulation (EU) No 410/2012 of 14 May 2012 implementing Article 32(1) of Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria, Council Regulation (EU) No 509/2012 of 15 June 2012 amending Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria, Council Decision 2012/322/CFSP of 20 June 2012 amending Decision 2011/782/CFSP concerning restrictive measures against Syria, Council Implementing*

Decision 2012/335/CFSP of 25 June 2012 implementing Decision 2011/782/CFSP concerning restrictive measures against Syria, Council Implementing Regulation (EU) No 544/2012 of 25 June 2012 implementing Article 32(1) of Regulation (EU) No°36/2012 concerning restrictive measures in view of the situation in Syria, Council Regulation (EU) No 545/2012 of 25 June 2012 amending Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria, Council Implementing Regulation (EU) No 673/2012 of 23 July 2012 implementing Article 32(1) of Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria, Council Decision 2012/420/CFSP of 23 July 2012 amending Decision 2011/782/CFSP concerning restrictive measures against Syria, and Council Implementing Decision 2012/424/CFSP of 23 July 2012 implementing Decision 2011/782/CFSP concerning restrictive measures against Syria, since those acts do not concern Mr Aiman Jaber.

3) *Declares that there is no need to adjudicate on the action in so far as it seeks the annulment of Council Decision 2011/782/CFSP of 1 December 2011 concerning restrictive measures against Syria and repealing Decision 2011/273, Council Decision 2012/739/CFSP of 29 November 2012 concerning restrictive measures against Syria and repealing Decision 2011/782, and Council Implementing Decision 2013/185/CFSP of 22 April 2013 implementing Decision 2012/739, since those acts have been repealed and replaced.*

4) *Annuls, in so far as the following acts concern Mr Jaber:*

— *Council Regulation (EU) No 36/2012 of 18 January 2012 concerning restrictive measures in view of the situation in Syria and repealing Regulation No 442/2011;*

— *Council Implementing Regulation (EU) No 363/2013 of 22 April 2013 implementing Regulation No 36/2012;*

— *Council Decision 2013/255/CFSP of 31 May 2013 concerning restrictive measures against Syria.*

5) *Orders the effects of the annulled decisions and regulations to be maintained with respect to Mr Jaber, until the date of expiry of the period for bringing an appeal or, if an appeal is brought within that period, until any dismissal of that appeal.*

6) *Orders the Council of the European Union to bear its own costs and to pay one third of the costs incurred by Mr Jaber.*

7) *Orders Mr Jaber to bear two thirds of his own costs.*

(1) OJ C 58, of 25.2.2012.

Judgment of the General Court of 13 November 2014 — Kaddour v Council

(Case T-654/11) (1)

(Common foreign and security policy — Restrictive measures adopted against Syria — Freezing of funds — Action for annulment — Period for bringing proceedings — Partial inadmissibility — Locus standi — Burden of proof — Adjustment of temporal effects of annulment)

(2015/C 007/29)

Language of the case: French

Parties

Applicant: Khaled Kaddour (Damascus, Syria) (represented by: M. Ponsard, D. Amaudruz and A. Boesch, lawyers)

Defendant: Council of the European Union (represented by: S. Kyriakopoulou, G. Étienne and B. Driessen, agents)

Re:

Application for annulment of Council Decision 2011/273/CFSP of 9 May 2011 concerning restrictive measures against Syria (OJ 2011 L 121, p. 11), Council Implementing Regulation (EU) No 442/2011 of 9 May 2011 concerning restrictive measures in view of the situation in Syria (OJ 2011 L 121, p. 1), Council Implementing Decision 2011/302/CFSP of 23 May 2011 implementing Decision 2011/273 (OJ 2011 L 136, p. 91), Council Implementing Regulation (EU) No 504/2011 of 23 May 2011 implementing Regulation No 442/2011 (OJ 2011 L 136, p. 45), Council Implementing Decision 2011/367/CFSP of 23 June 2011 implementing Decision 2011/273 (OJ 2011 L 164, p. 14), Council Implementing Regulation (EU) No 611/2011 of 23 June 2011 implementing Regulation No 442/2011 (OJ 2011 L 164, p. 1), Council Implementing Decision 2011/488/CFSP of 1 August 2011 implementing Decision 2011/273 (OJ L 199, p. 74), Council Implementing Regulation (EU) No 755/2011 of 1 August 2011 implementing Regulation No 442/2011 (OJ 2011 L 199, p. 33), Council Implementing Decision 2011/515/CFSP of 23 August 2011 implementing Decision 2011/273 (OJ L 218, p. 20), Council Implementing Regulation (EU) No 843/2011 of 23 August 2011 implementing Regulation No 442/2011 (OJ 2011 L 218, p. 1), Council Decision 2011/522/CFSP of 2 September 2011 amending Decision 2011/273 (OJ 2011 L 228, p. 16), Council Regulation (EU) No 878/2011 of 2 September 2011 amending Regulation No 442/2011 (OJ 2011 L 228, p. 1), Council Decision 2011/628/CFSP of 23 September 2011 amending Decision 2011/273 (OJ 2011 L 247, p. 17), Council Regulation (EU) No 950/2011 of 23 September 2011 amending Regulation No 442/2011 (OJ 2011 L 247, p. 3), Council Decision 2011/684/CFSP of 13 October 2011 amending Decision 2011/273 (OJ 2011 L 269, p. 33), Council Regulation (EU) No 1011/2011 of 13 October 2011 amending Regulation No 442/2011 (OJ 2011 L 269, p. 18), Council Decision 2011/735/CFSP of 14 November 2011 amending Decision 2011/273 (OJ 2011 L 296, p. 53), Council Implementing Decision 2011/736/CFSP of 14 November 2011 implementing Decision 2011/273 (OJ 2011 L 296, p. 55), Council Regulation (EU) No 1150/2011 of 14 November 2011 amending Regulation No 442/2011 (OJ 2011 L 296, p. 1), Council Implementing Regulation (EU) No 1151/2011 of 14 November 2011 implementing Regulation No 442/2011 (OJ 2011 L 296, p. 3), Council Decision 2011/782/CFSP of 1 December 2011 concerning restrictive measures against Syria and repealing Decision 2011/273 (OJ 2011 L 319, p. 56), Council Implementing Regulation (EU) No 1244/2011 of 1 December 2011 implementing Regulation No 442/2011 (OJ 2011 L 319, p. 8), Council Regulation (EU) No 36/2012 of 18 January 2012 concerning restrictive measures in view of the situation in Syria and repealing Regulation No 442/2011 (OJ 2012 L 16, p. 1), Council Implementing Decision 2012/37/CFSP of 23 January 2012 implementing Decision 2011/782 (OJ 2012 L 19, p. 33), Council Implementing Regulation (EU) No 55/2012 of 23 January 2012 implementing Article 33(1) of Regulation No 36/2012 (OJ 2012 L 19, p. 6), Council Decision 2012/206/CFSP of 23 April 2012 amending Decision 2011/782 (OJ 2012 L 110, p. 36), Council Implementing Decision 2012/256/CFSP of 14 May 2012 implementing Decision 2011/782 (OJ 2012 L 126, p. 9), Council Implementing Regulation (EU) No 410/2012 of 14 May 2012 implementing Article 32(1) of Regulation No 36/2012 (OJ 2012 L 126, p. 3), Council Regulation (EU) No 509/2012 of 15 June 2012 amending Regulation No 36/2012 (OJ 2012 L 156, p. 10), Council Decision 2012/322/CFSP of 20 June 2012 amending Decision 2011/782 (OJ 2012 L 165, p. 45), Council Implementing Decision 2012/335/CFSP of 25 June 2012 implementing Decision 2011/782 (OJ 2012 L 165, p. 80), Council Regulation (EU) No 545/2012 of 25 June 2012 amending Regulation No 36/2012 (OJ 2012 L 165, p. 23), Council Implementing Regulation (EU) No 544/2012 of 25 June 2012 implementing Article 32(1) of Regulation No 36/2012 (OJ 2012 L 165, p. 20), Council Decision 2012/420/CFSP of 23 July 2012 amending Decision 2011/782 (OJ 2012 L 196, p. 59), Council Implementing Decision 2012/424/CFSP of 23 July 2012 implementing Decision 2011/782 (OJ 2012 L 196, p. 81), Council Implementing Regulation (EU) No°673/2012 of 23 July 2012 implementing Article 32(1) of Regulation No 36/2012 (OJ 2012 L 196, p. 8), Council Decision 2012/739/CFSP of 29 November 2012 concerning restrictive measures against Syria and repealing Decision 2011/782 (OJ 2012 L 330, p. 21), Council Implementing Decision 2013/185/CFSP of 22 April 2013 implementing Decision 2012/739 (OJ 2013 L 111, p. 77), Council Implementing Regulation (EU) No 363/2013 of 22 April 2013 implementing Regulation No 36/2012 (OJ 2013 L 111, p. 1), and Council Decision 2013/255/CFSP of 31 May 2013 concerning restrictive measures against Syria (OJ 2013 L 147, p. 14), in so far as those acts concern the applicant.

Operative part of the judgment

The Court:

1) *Dismisses the action as being inadmissible, because out of time, in so far as it seeks the annulment of Council Implementing Decision 2011/367/CFSP of 23 June 2011 implementing Decision 2011/273/CFSP concerning restrictive measures against Syria, and of Council Implementing Regulation (EU) No 611/2011 of 23 June 2011 implementing Regulation (EU) No 442/2011 concerning restrictive measures in view of the situation in Syria.*

2) *Dismisses the action as being inadmissible in so far as it seeks the annulment of Council Decision 2011/273/CFSP of 9 May 2011 concerning restrictive measures against Syria, Council Regulation (EU) No 442/2011 of 9 May 2011 concerning restrictive measures in view of the situation in Syria, Council Implementing Decision 2011/302/CFSP of 23 May 2011 implementing Decision 2011/273, Council Implementing Regulation (EU) No°504/2011 of 23 May 2011 implementing Regulation No 442/2011, Council Implementing Decision 2011/488/CFSP of 1 August 2011 implementing Decision 2011/273, Council Implementing Regulation (EU) No 755/2011 of 1 August 2011 implementing Regulation No 442/2011, Council Implementing Decision 2011/515/CFSP of 23 August 2011 implementing Decision 2011/273, Council Implementing Regulation (EU) No 843/2011 of 23 August 2011 implementing Regulation No 442/2011, Council Decision 2011/522/CFSP of 2 September 2011 amending Decision 2011/273, Council Regulation (EU) No 878/2011 of 2 September 2011 amending Regulation No 442/2011, Council Decision 2011/628/CFSP of 23 September 2011 amending Decision 2011/273, Council Regulation (EU) No 950/2011 of 23 September 2011 amending Regulation No 442/2011, Council Decision 2011/684/CFSP of 13 October 2011 amending Decision 2011/273, Council Regulation (EU) No 1011/2011 of 13 October 2011 amending Regulation No 442/2011, Council Decision 2011/735/CFSP of 14 November 2011 amending Decision 2011/273, Council Implementing Decision 2011/736/CFSP of 14 November 2011 implementing Decision 2011/273, Council Regulation (EU) No 1150/2011 of 14 November 2011 amending Regulation No 442/2011, Council Implementing Regulation (EU) No 1151/2011 of 14 November 2011 implementing Regulation No 442/2011, Council Implementing Regulation (EU) No 1244/2011 of 1 December 2011 implementing Regulation No 442/2011, Council Implementing Decision 2012/37/CFSP of 23 January 2012 implementing Decision 2011/782/CFSP concerning restrictive measures against Syria, Council Implementing Regulation (EU) No 55/2012 of 23 January 2012 implementing Article 33(1) of Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria, Council Decision 2012/206/CFSP of 23 April 2012 amending Decision 2011/782/CFSP concerning restrictive measures against Syria, Council Implementing Decision 2012/256/CFSP of 14 May 2012 implementing Decision 2011/782/CFSP concerning restrictive measures against Syria, Council Implementing Regulation (EU) No 410/2012 of 14 May 2012 implementing Article 32(1) of Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria, Council Regulation (EU) No 509/2012 of 15 June 2012 amending Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria, Council Decision 2012/322/CFSP of 20 June 2012 amending Decision 2011/782/CFSP concerning restrictive measures against Syria, Council Implementing Decision 2012/335/CFSP of 25 June 2012 implementing Decision 2011/782/CFSP concerning restrictive measures against Syria, Council Implementing Regulation (EU) No 544/2012 of 25 June 2012 implementing Article 32(1) of Regulation (EU) No°36/2012 concerning restrictive measures in view of the situation in Syria, Council Regulation (EU) No 545/2012 of 25 June 2012 amending Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria, Council Implementing Regulation (EU) No 673/2012 of 23 July 2012 implementing Article 32(1) of Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria, Council Decision 2012/420/CFSP of 23 July 2012 amending Decision 2011/782/CFSP concerning restrictive measures against Syria, and Council Implementing Decision 2012/424/CFSP of 23 July 2012 implementing Decision 2011/782/CFSP concerning restrictive measures against Syria, since those acts do not concern Mr Khaled Kaddour.*

3) *Declares that there is no need to adjudicate on the action in so far as it seeks the annulment of Council Decision 2011/782/CFSP of 1 December 2011 concerning restrictive measures against Syria and repealing Decision 2011/273, Council Decision 2012/739/CFSP of 29 November 2012 concerning restrictive measures against Syria and repealing Decision 2011/782, and Council Implementing Decision 2013/185/CFSP of 22 April 2013 implementing Decision 2012/739, since those acts have been repealed and replaced.*

4) *Annuls, in so far as the following acts concern Mr Kaddour:*

— *Council Regulation (EU) No 36/2012 of 18 January 2012 concerning restrictive measures in view of the situation in Syria and repealing Regulation No 442/2011;*

— *Council Implementing Regulation (EU) No 363/2013 of 22 April 2013 implementing Regulation No 36/2012;*

— *Council Decision 2013/255/CFSP of 31 May 2013 concerning restrictive measures against Syria.*

5) *Orders the effects of the annulled decisions and regulations to be maintained with respect to Mr Kaddour, until the date of expiry of the period for bringing an appeal or, if an appeal is brought within that period, until any dismissal of that appeal.*

6) *Orders the Council of the European Union to bear its own costs and to pay one third of the costs incurred by Mr Kaddour.*

7) *Orders Mr Kaddour to bear two thirds of his own costs.*

(1) OJ C 58, of 25.2.2012.

Judgment of the General Court of 19 November 2014 — European Dynamics Luxembourg and Evropaïki Dynamiki v Europol

(Cases T-40/12 and T-183/12) (1)

(Public service contracts — Tender procedure — Provision of information technology services relating to a document management system and a corporate Intranet portal — Rejection of a tenderer's bid — Obligation to state reasons — Equal treatment — Transparency — Proportionality — Non-contractual liability)

(2015/C 007/30)

Language of the case: Greek

Parties

Applicants: European Dynamics Luxembourg SA (Ettelbrück, Luxembourg) and Evropaïki Dynamiki — Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE (Athens, Greece) (represented by: V. Christianos and S. Paliou, lawyers)

Defendant: European Police Office (Europol) (represented by: J. Teal and T. de Maignas, acting as Agents, P. Anestis, lawyer, C. Kennedy-Loest, Solicitor, N. Pourbaix and D. Vallindas, lawyers)

Re:

In Case T-40/12, an application for annulment of Europol's decision of 22 November 2011 rejecting the bid tendered by the applicants in connection with Call for Tenders D/C3/1104 concerning the provision of an enterprise content management system (management of documents, records, and business processes) and a corporate Intranet portal (OJ 2011/S 134-222044), and, in Case T-183/12, first, an application for annulment of Europol's decision to grant the public service contract in respect of the call for tenders referred to above to another tenderer and, secondly, an application for compensation for the loss sustained as a result of the loss of opportunity for the applicants to be granted that public service contract.

Operative part of the judgment

The Court:

1. *Orders that Cases T-40/12 and T-183/12 be joined for the purposes of judgment;*

2. *Dismisses the actions;*

3. *Orders European Dynamics Luxembourg SA and Evropaïki Dynamiki — Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE to bear their own costs and to pay those incurred by the European Police Office (Europol).*

(1) OJ C 109, 14.4.2012.

Judgment of the General Court of 13 November 2014 — Hamcho and Hamcho International v Council

(Case T-43/12) ([1])

(Common foreign and security policy — Restrictive measures adopted against Syria — Freezing of funds — Action for annulment — Period for bringing proceedings — Partial inadmissibility — Locus standi — Burden of proof — Adjustment of temporal effects of annulment)

(2015/C 007/31)

Language of the case: French

Parties

Applicant: Mohamad Hamcho (Damascus, Syria) and Hamcho International (Damascus) (represented by: M. Ponsard, D. Amaudruz and A. Boesch, lawyers)

Defendant: Council of the European Union (represented initially by G. Étienne and S. Kyriakopoulou, then by G. Étienne, S. Kyriakopoulou and B. Driessen and last by G. Étienne and S. Kyriakopoulou, agents)

Re:

Application for annulment of Council Decision 2011/273/CFSP of 9 May 2011 concerning restrictive measures against Syria (OJ 2011 L 121, p. 11), Council Regulation (EU) No 442/2011 of 9 May 2011 concerning restrictive measures in view of the situation in Syria (OJ 2011 L 121, p. 1), Council Implementing Decision 2011/302/CFSP of 23 May 2011 implementing Decision 2011/273 (OJ 2011 L 136, p. 91), Council Implementing Regulation (EU) No 504/2011 of 23 May 2011 implementing Regulation No 442/2011 (OJ 2011 L 136, p. 45), Council Implementing Decision 2011/367/CFSP of 23 June 2011 implementing Decision 2011/273 (OJ 2011 L 164, p. 14), Council Implementing Regulation (EU) No 611/2011 of 23 June 2011 implementing Regulation No 442/2011 (OJ 2011 L 164, p. 1), Council Implementing Decision 2011/488/CFSP of 1 August 2011 implementing Decision 2011/273 (OJ L 199, p. 74), Council Implementing Regulation (EU) No 755/2011 of 1 August 2011 implementing Regulation No 442/2011 (OJ 2011 L 199, p. 33), Council Implementing Decision 2011/515/CFSP of 23 August 2011 implementing Decision 2011/273 (OJ L 218, p. 20), Council Implementing Regulation (EU) No 843/2011 of 23 August 2011 implementing Regulation No 442/2011 (OJ 2011 L 218, p. 1), Council Decision 2011/522/CFSP of 2 September 2011 amending Decision 2011/273 (OJ 2011 L 228, p. 16), Council Regulation (EU) No 878/2011 of 2 September 2011 amending Regulation No 442/2011 (OJ 2011 L 228, p. 1), Council Decision 2011/628/CFSP of 23 September 2011 amending Decision 2011/273 (OJ 2011 L 247, p. 17), Council Regulation (EU) No 950/2011 of 23 September 2011 amending Regulation No 442/2011 (OJ 2011 L 247, p. 3), Council Decision 2011/684/CFSP of 13 October 2011 amending Decision 2011/273 (OJ 2011 L 269, p. 33), Council Regulation (EU) No 1011/2011 of 13 October 2011 amending Regulation No 442/2011 (OJ 2011 L 269, p. 18), Council Decision 2011/735/CFSP of 14 November 2011 amending Decision 2011/273 (OJ 2011 L 296, p. 53), Council Implementing Decision 2011/736/CFSP of 14 November 2011 implementing Decision 2011/273 (OJ 2011 L 296, p. 55), Council Regulation (EU) No 1150/2011 of 14 November 2011 amending Regulation No 442/2011 (OJ 2011 L 296, p. 1), Council Implementing Regulation (EU) No 1151/2011 of 14 November 2011 implementing Regulation No 442/2011 (OJ 2011 L 296, p. 3), Council Decision 2011/782/CFSP of 1 December 2011 concerning restrictive measures against Syria and repealing Decision 2011/273 (OJ 2011 L 319, p. 56), Council Implementing Regulation (EU) No 1244/2011 of 1 December 2011 implementing Regulation No 442/2011 (OJ 2011 L 319, p. 8), Council Regulation (EU) No 36/2012 of 18 January 2012 concerning restrictive measures in view of the situation in Syria and repealing Regulation No 442/2011 (OJ 2012 L 16, p. 1), Council Implementing Decision 2012/37/CFSP of 23 January 2012 implementing Decision 2011/782 (OJ 2012 L 19, p. 33), Council Implementing Regulation (EU) No 55/2012 of 23 January 2012 implementing Article 33(1) of Regulation No 36/2012 (OJ 2012 L 19, p. 6), Council Implementing Decision 2012/172/CFSP of 23 March 2012 implementing Decision 2011/782 (OJ 2012 L 87, p. 103), Council Implementing Regulation (EU) No 266/2012 of 23 March 2012 implementing Article 32(1) of Regulation No 36/2012 (OJ 2012 L 87, p. 45) Council Decision 2012/206/CFSP of 23 April 2012 amending Decision 2011/782 (OJ 2012 L 110, p. 36), Council Implementing Decision 2012/256/CFSP of 14 May 2012 implementing Decision 2011/782 (OJ 2012 L 126, p. 9), Council Implementing Regulation (EU) No 410/2012 of 14 May 2012 implementing Article 32(1) of Regulation No 36/2012 (OJ 2012 L 126, p. 3), Council Regulation (EU) No 509/2012 of 15 June 2012 amending Regulation No 36/2012 (OJ 2012 L 156, p. 10), Council Decision 2012/322/CFSP of 20 June 2012 amending Decision 2011/782 (OJ 2012 L 165, p. 45), Council Implementing

Decision 2012/335/CFSP of 25 June 2012 implementing Decision 2011/782 (OJ 2012 L 165, p. 80), Council Implementing Regulation (EU) No 544/2012 of 25 June 2012 implementing Article 32(1) of Regulation No 36/2012 (OJ 2012 L 165, p. 20), Council Regulation (EU) No 545/2012 of 25 June 2012 amending Regulation No 36/2012 (OJ 2012 L 165, p. 23), Council Decision 2012/420/CFSP of 23 July 2012 amending Decision 2011/782 (OJ 2012 L 196, p. 59), Council Implementing Decision 2012/424/CFSP of 23 July 2012 implementing Decision 2011/782 (OJ 2012 L 196, p. 81), Council Implementing Regulation (EU) No°673/2012 of 23 July 2012 implementing Article 32(1) of Regulation No 36/2012 (OJ 2012 L 196, p. 8), Council Decision 2012/739/CFSP of 29 November 2012 concerning restrictive measures against Syria and repealing Decision 2011/782 (OJ 2012 L 330, p. 21), Council Implementing Decision 2013/185/CFSP of 22 April 2013 implementing Decision 2012/739 (OJ 2013 L 111, p. 77), Council Implementing Regulation (EU) No 363/2013 of 22 April 2013 implementing Regulation No 36/2012 (OJ 2013 L 111, p. 1), and Council Decision 2013/255/CFSP of 31 May 2013 concerning restrictive measures against Syria (OJ 2013 L 147, p. 14), in so far as those acts concern the applicants.

Operative part of the judgment

The Court:

1) *Dismisses the action as being inadmissible, because out of time, in so far as it seeks the annulment of Council Implementing Decision 2011/302/CFSP of 23 May 2011 implementing Decision 2011/273/CFSP concerning restrictive measures against Syria, Council Implementing Decision 2011/367/CFSP of 23 June 2011 implementing Decision 2011/273/CFSP concerning restrictive measures against Syria, Council Implementing Regulation (EU) No 504/2011 of 23 May 2011 implementing Regulation (EU) No 442/2011 concerning restrictive measures in view of the situation in Syria, and Council Implementing Regulation (EU) No 611/2011 of 23 June 2011 implementing Regulation (EU) No 442/2011 concerning restrictive measures in view of the situation in Syria.*

2) *Dismisses the action as being inadmissible in so far as it seeks the annulment of Council Decision 2011/273/CFSP of 9 May 2011 concerning restrictive measures against Syria, Council Regulation (EU) No 442/2011 of 9 May 2011 concerning restrictive measures in view of the situation in Syria, Council Implementing Decision 2011/488/CFSP of 1 August 2011 implementing Decision 2011/273, Council Implementing Regulation (EU) No 755/2011 of 1 August 2011 implementing Regulation No 442/2011, Council Implementing Decision 2011/515/CFSP of 23 August 2011 implementing Decision 2011/273, Council Implementing Regulation (EU) No 843/2011 of 23 August 2011 implementing Regulation No 442/2011, Council Decision 2011/522/CFSP of 2 September 2011 amending Decision 2011/273, Council Regulation (EU) No 878/2011 of 2 September 2011 amending Regulation No 442/2011, Council Decision 2011/628/CFSP of 23 September 2011 amending Decision 2011/273, Council Regulation (EU) No 950/2011 of 23 September 2011 amending Regulation No 442/2011, Council Decision 2011/684/CFSP of 13 October 2011 amending Decision 2011/273, Council Regulation (EU) No 1011/2011 of 13 October 2011 amending Regulation No 442/2011, Council Decision 2011/735/CFSP of 14 November 2011 amending Decision 2011/273, Council Implementing Decision 2011/736/CFSP of 14 November 2011 implementing Decision 2011/273, Council Regulation (EU) No 1150/2011 of 14 November 2011 amending Regulation No 442/2011, Council Implementing Regulation (EU) No 1151/2011 of 14 November 2011 implementing Regulation No 442/2011, Council Implementing Regulation (EU) No 1244/2011 of 1 December 2011 implementing Regulation No 442/2011, Council Implementing Decision 2012/37/CFSP of 23 January 2012 implementing Decision 2011/782/CFSP concerning restrictive measures against Syria, Council Implementing Regulation (EU) No 55/2012 of 23 January 2012 implementing Article 33(1) of Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria, Council Decision 2012/206/CFSP of 23 April 2012 amending Decision 2011/782/CFSP concerning restrictive measures against Syria, Council Implementing Decision 2012/256/CFSP of 14 May 2012 implementing Decision 2011/782/CFSP concerning restrictive measures against Syria, Council Implementing Regulation (EU) No 410/2012 of 14 May 2012 implementing Article 32(1) of Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria, Council Regulation (EU) No 509/2012 of 15 June 2012 amending Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria, Council Decision 2012/322/CFSP of 20 June 2012 amending Decision 2011/782/CFSP concerning restrictive measures against Syria, Council Implementing Decision 2012/335/CFSP of 25 June 2012 implementing Decision 2011/782/CFSP concerning restrictive measures against Syria, Council Implementing Regulation (EU) No 544/2012 of 25 June 2012 implementing Article 32(1) of Regulation (EU) No°36/2012 concerning restrictive measures in view of the situation in Syria, Council Regulation (EU) No 545/*

2012 of 25 June 2012 amending Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria, Council Decision 2012/420/CFSP of 23 July 2012 amending Decision 2011/782/CFSP concerning restrictive measures against Syria, Council Implementing Decision 2012/424/CFSP of 23 July 2012 implementing Decision 2011/782/CFSP concerning restrictive measures against Syria and Council Implementing Regulation (EU) No 673/2012 of 23 July 2012 implementing Article 32(1) of Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria, since those acts do not concern Mr Hamcho and Hamcho International.

3) *Dismisses the action as being inadmissible in so far as it is directed against the letter of the Council of the European Union dated 21 December 2011 sent to Mr Hamcho and Hamcho International.*

4) *Declares that there is no need to adjudicate on the action in so far as it seeks the annulment of Council Decision 2011/782/CFSP of 1 December 2011 concerning restrictive measures against Syria and repealing Decision 2011/273, Council Implementing Decision 2012/172/CFSP of 23 March 2012 implementing Decision 2011/782, Council Decision 2012/739/CFSP of 29 November 2012 concerning restrictive measures against Syria and repealing Decision 2011/782, and Council Implementing Decision 2013/185/CFSP of 22 April 2013 implementing Decision 2012/739, since those acts have been repealed and replaced.*

5) *Annuls, in so far as the following acts concern Mr Hamcho and Hamcho International:*

— *Council Regulation (EU) No 36/2012 of 18 January 2012 concerning restrictive measures in view of the situation in Syria and repealing Regulation No 442/2011;*

— *Council Implementing Regulation (EU) No 266/2012 of 23 March 2012 implementing Article 32(1) of Regulation No 36/2012*

— *Council Implementing Regulation (EU) No 363/2013 of 22 April 2013 implementing Regulation No 36/2012;*

— *Council Decision 2013/255/CFSP of 31 May 2013 concerning restrictive measures against Syria.*

6) *Orders the effects of the annulled decisions and regulations to be maintained with respect to Mr Hamcho and Hamcho International, until the date of expiry of the period for bringing an appeal or, if an appeal is brought within that period, until any dismissal of that appeal.*

7) *Orders the Council to bear its own costs and to pay one third of the costs incurred by Mr Hamcho and by Hamcho International.*

8) *Orders Mr Hamcho and Hamcho International to bear two thirds of their own costs.*

([1]) OJ C 80, 0f 17.3.2012.

Judgment of the General Court of 19 November 2014 —Ntouvas v ECDC

(Case T-223/12) ([1])

(Access to documents — Regulation (EC) No 1049/2001 — Article 4(2), third indent — Final audit reports carried out on the ECDC by the Commission's Internal Audit Service — Refusal of access — Obligation to state reasons — Obligation to undertake a concrete, individual examination — Overriding public interest)

(2015/C 007/32)

Language of the case: English

Parties

Applicant: Ioannis Ntouvas (Agios Stefanos, Greece) (represented: by E. Mylonas, and V. Kolias, lawyers)

Defendant: European Centre for Disease Prevention and Control (ECDC) (represented: initially by R. Trott, and subsequently by J. Mannheim and A. Daume, acting as Agents, assisted by D. Waelbroeck and A. Duron, lawyers)

Re:

Application for annulment of the decision of the ECDC of 27 March 2012 (DIR-12-0636-MSrukr) refusing the applicant access to the final audit reports carried out on the ECDC by the Internal Audit Service of the European Commission.

Operative part of the judgment

The Court:

1) *Annuls the decision of the European Centre for Disease Prevention and Control (ECDC) of 27 March 2012 (DIR-12-0636-MSrukr) refusing Mr Ioannis Ntouvas access to the final audit reports carried out on the ECDC by the Internal Audit Service of the European Commission;*

2) *Orders the ECDC to pay the costs.*

([1]) OJ C 227, 28.7.2012.

Judgment of the General Court of 18 November 2014 — Conrad Electronic v OHIM — British Sky Broadcasting Group and Sky IP International (EuroSky)

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

(Community trade mark — Opposition proceedings — Application for Community word mark EuroSky — Earlier Community word mark SKY — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2015/C 007/33)

Language of the case: German

Parties

Applicant: Conrad Electronic SE (Hirschau, Germany) (represented by: P. Mes, C. Graf von der Groeben, G. Rother, J. Bühling, J. Künzel, D. Jestaedt, M. Bergermann, J. Vogtmeier and A. Kramer, lawyers)

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

Other parties to the proceedings before the Board of Appeal of OHIM, interveners before the General Court: British Sky Broadcasting Group plc (Isleworth, United Kingdom); and Sky IP International Ltd (Isleworth) (represented by: J. Barry, Solicitor, R. Heine and M. Plesser, lawyers)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 20 September 2012 (Case R 1138/2011-4), concerning opposition proceedings between British Sky Broadcasting Group plc and Sky IP International Ltd, on the one hand, and Conrad Electronic SE, on the other.

Operative part of the judgment

The Court:

1) *Dismisses the action;*

2) *Orders Conrad Electronic SE to bear its own costs and to pay those incurred by the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM), by British Sky Broadcasting Group plc and by Sky IP International Ltd.*

([1]) OJ C 26, 26.1.2013.

Judgment of the General Court of 18 November 2014 — Think Schuhwerk v OHIM — Müller (VOODOO)

(Case T-50/13) ([1])

(Community trade mark — Invalidity proceedings — Community word mark VOODOO — Absolute grounds for refusal — Lack of descriptive character — Distinctive character — Article 7(1)(b) and (c)of Regulation (EC) No 207/2009 — Bad faith — Article 52(1)(b) of Regulation No 207/2009)

(2015/C 007/34)

Language of the case: German

Parties

Applicant: Think Schuhwerk GmbH (Kopfing, Austria) (represented by: M. Gail, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervening before the General Court: Andreas Müller (Ulm, Germany) (represented by: J. Pick, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 14 November 2012 (Case R 474/2012 4) concerning invalidity proceedings between Think Schuhwerk GmbH and Mr Andreas Müller

Operative part of the judgment

The Court:

1. *dismisses the action;*

2. *orders Think Schuhwerk GmbH to pay the costs.*

([1]) OJ C 86, 23.3.2013.

Judgment of the General Court of 19 November 2014 — Evonik Oil Additives v OHIM — BRB International (VISCOTECH)

(Case T-138/13) ([1])

(Community trade mark — Opposition proceedings — Application for Community word mark VISCOTECH — Earlier national and international word marks VISCOPLEX — Evidence of the territorial extent and validity of an earlier international trade mark — Rule 19(2) and Rule 20(1) of Regulation (EC) 2868/95 — Relative grounds of refusal — No likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2015/C 007/35)

Language of the case: Dutch

Parties

Applicant: Evonik Oil Additives GmbH (Darmstadt, Germany) (represented by: J. Albrecht, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervening before the General Court: BRB International BV (Ittervoort, Netherlands)

Re:

Action brought against the decision of the Fifth Board of Appeal of OHIM of 19 December 2012 (Case R 1565/2012-1), relating to opposition proceedings between Evonik Degussa GmbH and BRB International BV

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Evonik Oil Additives GmbH to pay the costs.*

([1]) OJ C 141, 18.5.2013.

Judgment of the General Court of 18 November 2014 — Repsol v OHIM — Adell Argiles (ELECTROLINERA)

(Case T-308/13) ([1])

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

(2015/C 007/36)

Language of the case: Spanish

Parties

Applicant: Repsol, SA (Madrid, Spain) (represented by: J.-B. Devaureix and L. Montoya Terán, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: J. Crespo Carrillo and V. Melgar, acting as Agents)

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Josep María Adell Argiles (Madrid, Spain) (represented by: initially M. García Jiménez and A. Zuazo Araluze, lawyers)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 7 March 2013 (Case R 1565/2012-1), relating to opposition proceedings between Mr Josep María Adell Argiles and Repsol, SA.

Operative part of the judgment

The Court:

1. *Annuls the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 7 March 2013 (Case R 1565/2012-1), relating to opposition proceedings between Mr Josep María Adell Argiles and Repsol, SA. In so far as concerns the 'industrial oils and greases; lubricants; fuels (including motor spirit)' in Class 4 of the Nice Agreement concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of 15 June 1957, as revised and amended;*

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

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

([1]) OJ C 226, 3.8.2013.

Judgment of the General Court of 19 November 2014 — Out of the blue v OHIM — Dubois and Another (FUNNY BANDS)

(Case T-344/13) ([1])

(Community trade mark — Opposition proceedings — Application for the Community word mark FUNNY BANDS — Earlier national trade name FUNNY BANDS — Earlier national Internet domain name 'www.funny-bands.com' — Relative ground for refusal — Article 8(4) of Regulation (EC) No 207/2009 — Use of a sign in the course of trade of more than mere local significance — Article 76(2) of Regulation No 207/2009 — Rejection of the opposition)

(2015/C 007/37)

Language of the case: English

Parties

Applicant: Out of the blue KG (Lilienthal, Germany) (represented by: G. Hasselblatt and D. Kipping, lawyers)

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

Other parties to the proceedings before the Board of Appeal of OHIM: Frédéric Dubois (Lasne, Belgium) and Another

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 4 April 2013 (Case R 542/2012-2), relating to opposition proceedings between Out of the blue KG and Mr Frédéric Dubois and Another.

Operative part of the judgment

The Court:

1) *Dismisses the action;*

2) *Orders Out of the blue KG to pay the costs.*

([1]) OJ C 260, 7.9.2013.

Judgment of the General Court of 18 November 2014 — Photo USA Electronic Graphic v Council

(Case T-394/13) ([1])

(Dumping — Imports of ceramic tableware and kitchenware originating in China — Definitive anti-dumping duty — Definition of the product concerned)

(2015/C 007/38)

Language of the case: English

Parties

Applicant: Photo USA Electronic Graphic, Inc. (Beijing, China) (represented by: K. Adamantopoulos, lawyer)

Defendant: Council of the European Union (represented by: S. Boelaert, Agent, and by B. O'Connor, Solicitor, and S. Gubel, lawyer)

Interveners in support of the defendant: European Commission (represented by: J.-F. Brakeland and M. França, Agents); Ancàp SpA (Sommacampagna, Italy); Cerame-Unie AISBL (Brussels, Belgium); Confindustria Ceramica (Sassuolo, Italy); and Verband der Keramischen Industrie eV (Selb, Germany) (represented by: R. Bierwagen, lawyer)

Re:

Application for annulment of Council Implementing Regulation (EU) No 412/2013 of 13 May 2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of ceramic tableware and kitchenware originating in the People's Republic of China (OJ 2013 L 131, p. 1) in so far as it imposes an anti-dumping duty on the applicant.

Operative part of the judgment

The Court:

1) *Dismisses the action;*

2) *Orders Photo USA Electronic Graphic, Inc. to bear its own costs and to pay those incurred by the Council of the European Union and by Ancàp SpA, Cerame-Unie AISBL, Confindustria Ceramica and Verband der Keramischen Industrie eV;*

3) *Orders the European Commission to bear its own costs.*

([1]) OJ C 274, 21.9.2013.

Judgment of the General Court of 18 November 2014 — Lumene v OHIM (THE YOUTH EXPERTS)

(Case T-484/13) ([1])

(Community trade mark — Application for Community word mark THE YOUTH EXPERTS — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 207/2009 — Extent of the examination to be carried out by the Board of Appeal — Examination as to the merits conditional on the admissibility of the action — First sentence of Article 59 of Regulation No 207/2009)

(2015/C 007/39)

Language of the case: English

Parties

Applicant: Lumene Oy (Espoo, Finland) (represented by: L. Laaksonen, lawyer)

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

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 26 June 2013 (Case R 187/2013-2) concerning an application for registration of the word sign THE YOUTH EXPERTS as a Community trade mark.

Operative part of the judgment

The Court:

1. *Annuls the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 26 June 2013 (Case R 187/2013-2) as regards '[b]leaching preparations and other substances for laundry use [and] cleaning, polishing, scouring and abrasive preparations' in Class 3 of the Nice Agreement concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of 15 June 1957, as revised and amended, and '[s]anitary preparations for medical purposes[,] plasters, materials for dressings[,] material for stopping teeth [and] dental wax[,] disinfectants[,] preparations for destroying vermin[,] fungicides [and] herbicides' in Class 5 of that agreement;*

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

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

(1) OJ C 344, 23.11.2013.

Action brought on 24 September 2014 — Hamr Sport v Commission

(Case T-693/14)

(2015/C 007/40)

Language of the case: Czech

Parties

Applicant: Hamr Sport a.s. (Prague, Czech Republic) (represented by: T. Capoušek, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— declare the Commission decision of 11 June 2014 (S.A.33575 — Non-profit sports facilities) invalid;

— annul the contested decision of the European Commission; and

— refer the case back to the European Commission for further investigation and the adoption of measures to remedy the situation described.

Pleas in law and main arguments

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

1. The contested decision is incorrect, because the defendant, in the proceedings which preceded the contested decision, did not properly respond to all of the applicant's evidence and statements, and in particular as to whether the existence of unlawful State aid was proven.

2. The defendant may not rely, for the purposes of its conclusion in the contested decision, on the exception set out in Article 107(3)(c) TFEU, since the conditions and prior requirements for its application are not fulfilled.

3. By reason of its legal personality (as a commercial company) the applicant does not have the right to participate in any procedure for the grant of subsidies provided by the Ministry of Education, Youth and Sports, even if it effectively operates on the same market as its competitors and supports the same target group of persons — the recipients (who are also identical in terms of the general/public interest).

Action brought on 7 October 2014 — CEAHR v Commission

(Case T-712/14)

(2015/C 007/41)

Language of the case: English

Parties

Applicant: Confédération Européenne des Associations d'Horlogers-Réparateurs (CEAHR) (Brussels, Belgium) (represented by: P. Mathijsen and P. Dyrberg, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— declare the European Commission's Decision C(2014) 5462 final, of 29 July 2014, void;

— order the European Commission to pay the costs of the proceedings.

Pleas in law and main arguments

By its present action, the applicant seeks the annulment of Commission Decision C(2014) 5462 final of 29 July 2014 in case AT.39097 — Watch Repair, by which the Commission rejects the applicant's complaint pursuant to Article 7(2) of Regulation No 773/2004 ([1]) concerning the refusal by several manufacturers of prestige/luxury watches to supply spare parts to independent repairers.

In support of the action, the applicant submits that i) the Commission's findings are based on manifest errors of appraisal, in law and fact, ii) that the contested decision fails to provide appropriate reasoning for the Commission's findings and iii) that the contested decision is the result of a procedure during which the Commission failed to attentively examine the elements of law and fact raised in the complaint, in violation of applicant's right to good administration.

([1]) Commission Regulation (EC) No 773/2004 of 7 April 2004 relating to the conduct of proceedings by the Commission pursuant to Articles [101 TFEU] and [102 TFEU] (OJ 2004 L 123, p. 18).

Action brought on 10 October 2014 — Rotenberg v Council

(Case T-720/14)

(2015/C 007/42)

Language of the case: English

Parties

Applicant: Arkady Romanovich Rotenberg (Saint Petersburg, Russia) (represented by: D. Pannick, QC, M. Lester, Barrister, S. Hey and H. Brunskill, Solicitors)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

— annul Council Decision 2014/508/CFSP and Council Implementing Regulation (EU) No 826/2014, in so far as those measures apply to him;

— order that the Council pays his costs.

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 that the Council failed to give adequate or sufficient reasons for including the applicant on the lists of persons, entities and bodies subject to restrictive measures in view of the situation in Ukraine.

2. Second plea in law, alleging that the Council has manifestly erred in considering that any of the criteria for listing in the contested measures were fulfilled in the applicant's case.

3. Third plea in law, alleging that the Council has breached data protection principles.

4. Fourth plea in law, alleging that the Council has failed to safeguard the applicant's rights of defence and right to effective judicial review.

5. Fifth plea in law, alleging that the Council has infringed, without justification or proportion, the applicant's fundamental rights, including the right to protection of property, business and reputation.

Action brought on 7 October 2014 — ECFA and IEP v Commission and EACEA

(Case T-724/14)

(2015/C 007/43)

Language of the case: French

Parties

Applicants: European Children's Fashion Association (ECFA) (Valencia, Spain) and Instituto de Economía Pública, SL (IEP) (Valencia) (represented by: A. Haegeman, lawyer)

Defendants: European Commission and 'Education, Audiovisual and Culture' Executive Agency (EACEA)

Form of order sought

The applicant claims that the General Court should:

— declare the present application admissible and well founded;

— annul the decision (informal letter) dated 1 August 2014 and debit note No 3241401420 dated 5 August 2014;

— order the other party to annul its debit note No 3241401420 dated 5 August 2014 on the ground that it is contrary to contractual, legal and regulatory provisions;

— declare the decision (informal letter) dated 1 August 2014 and debit note No 3241401420 dated 5 August 2014 contrary to the defendant's contractual obligations and declare them null and void;

— at the very least, declare that the claim in debit note No 3241401420 is unfounded;

— in the alternative, reduce the amount of debit note No 3241401420;

— in so far as is necessary, without prejudice to the parties' rights, appoint an expert, pursuant to Articles 63 and 64 of the Rules of Procedure;

— dismiss any claim by the other party for payment of that debit note No 3241401420 and, in so far as is necessary, order it to repay the applicant any amount whose payment the Commission obtained either directly or by set-off, including the principal amount, the interest thereon and any associated costs;

— in so far as is necessary, and to the extent that the breaches of contract committed by the other party caused damage to the applicant, order the other party to compensate the applicant, in particular and in so far as payments or set-offs from the applicant were obtained, by ordering the other party to repay those amounts;

— declare that the applicant's latter head of claim is limited provisionally to 1 EUR from an amount of EUR 82 378,81, subject to increase or decrease during the proceedings, and subject to compensatory interest, at the very least the applicable interest rate agreed in the contract, namely 3,65 %;

— order the other party to pay the costs.

Pleas in law and main arguments

In support of the action, the applicants rely on three pleas in law.

1. First plea in law, alleging breach of contractual obligations, the obligation to state reasons, the rights of the defence, the general principle of the duty of care and of proportionality, misuse of powers, breach of the obligation to act dutifully and in good faith in the performance of the contracts, breach of Article II.19.3 of the 'grant agreement' and breach of the general principle of the protection of legitimate expectations and the general rules on the interpretation of contracts, in so far as the decision requiring repayment of a part of the amount paid to the ECFA is based only on the results of the audit, without any other justification.

2. Second plea in law, alleging breach of the *audi alteram partem* rule and of the rights of the defence, of Article 41 of the Charter of Fundamental Rights of the European Union, the general principle of the protection of legitimate expectations and the general rules on the interpretation of contracts, in so far as the ECFA was not invited again to submit the documents in order to establish the eligibility of the contested costs even though the applicant was led to believe that it could do so at a later stage of the procedure;

3. Third plea in law, alleging breach of contractual obligations, the obligation to state reasons, the rights of the defence, the general principle of the duty of care and of proportionality, misuse of powers, breach of the obligation to act dutifully and in good faith in the performance of the contracts and breach of the terms of the contract governing the subsidy contract entered into and, more specifically, breach of Article II.14 of the 'grant agreement', the general principles governing audits, the principle of the performance in good faith of the contracts and the prohibition on the unfair application of contractual terms and of the general principle of the protection of legitimate expectations and of the general rules on the interpretation of contracts.

   The applicants claim that the defendants assume the right to interpret the contract in question as they see fit and without complying with the express provisions laying down the obligation to subsidise the services actually rendered and the eligible costs.

Action brought on 26 September 2014 — Novar v OHIM

(Case T-726/14)

(2015/C 007/44)

Language of the case: German

Parties

Applicant: Novar GmbH (Albstadt, Germany) (represented by: R. Weede, lawyer)

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

Form of order sought

The applicant claims that the Court should:

— order the defendant Office to pay EUR 2 498,00 plus interest in the amount of 5 percentage points over the base rate for the period since the legal proceedings began;

— order the defendant Office to pay the costs, including the costs of representing the applicant in the proceedings.

Pleas in law and main arguments

In support of the action, the applicant relies on one plea in law.

Plea in law: Non-contractual liability in accordance with Article 118(3) of Regulation No 207/2009

The applicant asserts that there has been a sufficiently serious breach of a rule of law intended to confer rights on individuals and that there is a causal link between action and damage. The applicant argues that the unlawful action resides in the decision of 14 May 2013 rejecting the opposition. A sufficiently serious breach of law exists because, in the opposition decision of 14 May 2013, the Office assumed — contrary to the information contained in the letter of 22 June 2012 regarding the documents to be submitted in trade mark opposition proceedings B002027251 for the substantiation of earlier rights — additional requirements for proving the earlier rights and for that reason failed to take account of the applicant's earlier rights. That infringement was the cause of the additional legal costs required to be incurred by the applicant in the context of the appeal against the decision of 14 May 2013, which was remedied by the decision of the Opposition Division of 17 October 2013.

Action brought on 16 October 2014 — PAN Europe and Unaapi v Commission

(Case T-729/14)

(2015/C 007/45)

Language of the case: English

Parties

Applicants: Pesticide Action Network Europe (PAN Europe) (Brussels, Belgium); and Unione nazionale associazioni apicoltori italiani (Unaapi) (Castel San Pietro Terme, Italy) (represented by: B. Kloostra, lawyer)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

— annul the decision of the Commission of 5 August 2014, Ares(2014)2589479, notified to the applicants' representative on 6 August 2014 (the contested decision) in response to the applicants' request of 10 January 2013 under Article 6(2) of Regulation (EC) No 396/2005 ([1]) (MRLs Regulation) to lower the Maximum Residue Levels (MRLs) for the active substance imidacloprid for honey, pollen and royal jelly; and

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

Pleas in law and main arguments

In support of the action, the applicants rely on one plea in law, alleging that by adopting the contested decision the Commission acted not in conformity with the MRLs Regulation, in particular with Article 3 and/or in combination with Article 14(1) and (2)(a), (c) and (d) of the MLRs Regulation, and thus acted illegally.

— The applicants argue that the MRLs Regulation prescribes that animal health should be taken into account by the Commission when deciding on applications under Article 7 of the MRLs Regulation to set or modify an MRL. The Commission thus unlawfully decided to not grant the applicants' request of the lowering of MRLs for imidacloprid.

— The applicants also submit that according to the definition of an MRL in Article 3(2)(d) of the MRLs Regulation, MRLs are to be based on 'the lowest consumer exposure necessary to protect vulnerable consumers' and on 'good agricultural practice' (GAP). From the Articles 3(2) and 4(1) second paragraph and from Article 14 (2) (a) and (d) derives that the Commission should have taken into account, when taking the contested decision, the scientific and technical knowledge available on the effects of imidacloprid on honeybees and honeybee colonies. It also derives from these provisions — and in particular from Article 14(2)(d) of the MRLs Regulation — that the Commission unlawfully did not take into account in the contested decision the Commission Implementing Regulation (EU) No 485/2013 ([2]), as a decision 'to modify the uses of plant protection products'.

([1]) Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC, OJ L 70, p. 1.

([2]) Commission Implementing Regulation (EU) No 485/2013 of 24 May 2013 amending Implementing Regulation (EU) No 540/2011, as regards the conditions of approval of the active substances clothianidin, thiamethoxam and imidacloprid, and prohibiting the use and sale of seeds treated with plant protection products containing those active substances, OJ L 139, p. 12.

Action brought on 24 October 2014 — Vnesheconombank v Council

(Case T-737/14)

(2015/C 007/46)

Language of the case: Spanish

Parties

Applicant: Bank for Development and Foreign Economic Affairs (Vnesheconombank) (Moscow, Russia) (represented by: J. Viñals Camallonga and J. Iriate Ángel, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

— annul Article 1 of Council Decision 2014/512/CFSP of 31 July 2014 in so far as it concerns the applicant and remove the applicant's name from the annex thereto;

— annul Article 5 of Council Regulation (EU) No 833/2014 of 31 July 2014 in so far as it concerns the applicant and remove the applicant's name from Annex III thereto;

— annul replacement Article 1 as provided for by Council Decision 2014/659/CFSP of 8 September 2014 in so far as it concerns the applicant and remove the applicant's name from Annex I referred to therein;

— annul replacement Article 5 as provided for by Council Regulation No 960/2014 of 8 September 2014 in so far as it concerns the applicant and remove its name from the Annex in which the applicant is included;

— order the Council of the European Union to pay the costs.

Pleas in law and main arguments

This action is brought against the abovementioned provisions which relate to restrictive measures in view of Russia's actions destabilising the situation in Ukraine, in so far as those provisions concern the applicant.

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

1. First plea in law, alleging infringement of the obligation to state reasons, given that the contested provisions fail to state, in relation to VEB, any reasons whatsoever, which means that it cannot properly prepare its defence.

2. Second plea in law, alleging manifest error of assessment of the facts on which the contested provisions are based, since there is no genuine factual or evidential basis for the latter.

3. Third plea in law, alleging infringement of the right to effective judicial protection as regards (i) the reasons stated for the provisions, (ii) the lack of evidence for the reasons stated and (iii) the rights of defence and of property, given that the requirement to state reasons and the need to produce genuine evidence have not been observed, which has an impact on the other rights. The rights of the defence have, in particular, been infringed, since the Council, despite the appropriate request being made in good time, handed over the file concerning the restrictions — which was short and simple to assemble — very belatedly, thereby preventing the applicant from properly preparing its defence.

4. Fourth plea in law, alleging misuse of powers, given that there is objective, precise and consistent evidence that supports the argument that the Council, in adopting the restrictive measures, was pursuing aims other than those it claimed to be pursuing.

5. Fifth plea in law, alleging infringement of the right to property inasmuch as that right has been severely restricted without any proper grounds and with no regard for the principle of proportionality.

6. Sixth plea in law, alleging infringement of the principle of equal treatment inasmuch as VEB's relative position in the various markets has been adversely affected without any justification.

Action brought on 24 October 2014 — Prominvestbank v Council

(Case T-739/14)

(2015/C 007/47)

Language of the case: Spanish

Parties

Applicant: Prominvestbank (Kiev, Ukraine) (represented by: J. Viñals Camallonga and J. Iriate Ángel, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

— annul Article 1 of Council Decision 2014/512/CFSP of 31 July 2014 in so far as it concerns the applicant and declare that the restrictive measures imposed by that provision do not apply to it;

— annul Article 5 of Council Regulation (EU) No 833/2014 of 31 July 2014 in so far as it concerns the applicant and declare that the restrictive measures imposed by that provision do not apply to it;

— annul replacement Article 1 provided for by Council Decision 2014/659/CFSP of 8 September 2014 in so far as it concerns the applicant and declare that the restrictive measures imposed by that provision do not apply to it;

— annul replacement Article 5 provided for by Council Regulation No 960/2014 of 8 September 2014 in so far as it concerns the applicant and declare that the restrictive measures imposed by that provision do not apply to it;

— order the Council of the European Union to pay the costs.

Pleas in law and main arguments

The pleas in law and main arguments are the same as those already put forward in Case T-737/14 (*Vnesheconombank* v *Council*).

Action brought on 5 November 2014 — TeamBank v OHIM — Easy Asset Management (easy Credit)

(Case T-745/14)

(2015/C 007/48)

Language in which the application was lodged: English

Parties

Applicant: TeamBank AG Nürnberg (Nürnberg, Germany) (represented by: H. Lindner, D. Terheggen and T. Kiphuth, lawyers)

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

Other party to the proceedings before the Board of Appeal: Easy Asset Management AD (Sofia, Bulgaria)

Details of the proceedings before OHIM

Applicant: Other party to the proceedings before the Board of Appeal

Trade mark at issue: The figurative mark containing the word elements 'easy Credit' — International Registration designating the European Union No 811 527

Procedure before OHIM: Proceedings for a declaration of invalidity

Contested decision: Decision of the First Board of Appeal of OHIM of 5 September 2014 in Case R 1975/2013-1

Form of order sought

The applicant claims that the Court should:

— Annul the contested decision insofar as it concerns goods and services in Classes 36 and 38;

— Order OHIM to pay the costs.

Pleas in law

— Infringement of Articles 52(1)(a), 7(1)(b) and 7(2) of Regulation No 207/2009;

— Infringement of Articles 53(1)(a) and 8(1)(b) of Regulation No 207/2009.

Action brought on 5 November 2014 — Montenegro v OHIM (Shape of a bottle)

(Case T-748/14)

(2015/C 007/49)

Language of the case: English

Parties

Applicant: Montenegro Srl (Zola Predosa, Italy) (represented by: F. Jacobacci, lawyer)

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

Details of the proceedings before OHIM

Trade mark at issue: International Registration No 1 162 963 designating the European Union in respect of the tri-dimensional mark representing a shape of a bottle

Contested decision: Decision of the Second Board of Appeal of OHIM of 29 August 2014 in Case R 20/2014-2

Form of order sought

The applicant claims that the Court should:

— Annul the contested decision;

— Order OHIM to pay the costs.

Plea in law

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

Action brought on 7 November 2014 — Hikari Miso v OHIM — Nishimoto Trading (Hikari)

(Case T-751/14)

(2015/C 007/50)

Language in which the application was lodged: English

Parties

Applicant: Hikari Miso Co. Ltd (Suwa-gun, Japan) (represented by: D. McFarland, Barrister)

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

Other party to the proceedings before the Board of Appeal: Nishimoto Trading Co. Ltd (Santa Fe Springs, United States)

Details of the proceedings before OHIM

Applicant: The other party to the proceedings before the Board of Appeal

Trade mark at issue: Application for registration No 9 569 501

Procedure before OHIM: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of OHIM of 8 September 2014 in Case R 2394/2013-4

Form of order sought

The applicant claims that the Court should:

— annul and/or set aside the contested decision;

— award the costs in favour of the Applicant and reverse the costs award made by the Fourth Board of Appeal.

Pleas in law

— The decision of the Fourth Board of Appeal is based upon errors of law and/or fact;

— The Fourth Board of Appeal exceeded its powers and function, by indulging in accepting as proven facts submissions which amounted to no more than suppositions and hypothesis, in respect of which no evidence had been adduced.

Action brought on 17 November 2014 — Consolidated Artists v OHIM — Body Cosmetics International (MANGO)

(Case T-761/14)

(2015/C 007/51)

Language in which the application was lodged: French

Parties

Applicant: Consolidated Artists BV (Amstelveen, Netherlands) (represented by: B. Corne, lawyer)

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

Other party to the proceedings before the Board of Appeal: Body Cosmetics International GmbH (Willich, Germany)

Details of the proceedings before OHIM

Proprietor of the trade mark at issue: Applicant

Trade mark at issue: Community figurative mark containing the word element 'MANGO'

Procedure before OHIM: Proceedings for a declaration of invalidity

Contested decision: Decision of the Fourth Board of Appeal of OHIM of 8 September 2014 in Case R 2337/2013-4

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— order OHIM to pay the costs.

Plea in law

— Infringement of Articles 7(3) and 52(2) of Regulation No 207/2009.

EUROPEAN UNION CIVIL SERVICE TRIBUNAL

Judgment of the Civil Service Tribunal (Second Chamber) of 13 November 2014 — Hristov v Commission and EMA

(Case F-2/12) ([1])

(Civil service — Procedure for selection and appointment of the Executive Director of a regulatory agency — European Medicines Agency (EMA) — Two-stage selection procedure — Pre-selection within the Commission — Appointment by the EMA's Management Board — Obligation for the EMA's Management Board to choose the Executive Director from among the candidates shortlisted by the Commission — Action for annulment — Composition of the pre-selection panel — Combination of functions of a member of the pre-selection panel and member of the EMA's Management Board — Candidates who are members of the EMA's Management Board included on the list of candidates shortlisted by the Commission — Appointment of the candidate who is a member of the EMA's Management Board — Duty of impartiality — Infringement — Annulment — Action for damages — Material damage severable from the illegality serving as the basis for the annulment — Proof — None)

(2015/C 007/52)

Language of the case: Bulgarian

Parties

Applicant: Emil Hristov (Sofia, Bulgaria) (represented by: M. Ekimdjiev, K. Boncheva and G. Chernicherska, lawyers)

Defendant: European Commission (represented by: initially J. Currall and D. Stefanov, Agents, subsequently by J. Currall and N. Nikolova, Agents)

Defendant: European Medicines Agency (represented by: initially V. Salvatore and T. Jablonski, subsequently by J. Currall and N. Nikolova, Agents)

Re:

First, application for annulment of the Commission's decisions concerning the drawing up and approval of the shortlist submitted to the EMA's Management Board in the context of the procedure for the selection and appointment of the Executive Director of that agency; second, application for annulment of the appointment of another candidate to the post; and third, application for compensation for the non-material damage allegedly sustained.

Operative part of the judgment

The Tribunal:

1. *Annuls the European Commission's decision of 20 April 2011, by which it proposed to the Management Board of the European Medicines Agency a list of four candidates recommended by the pre-selection committee and approved by the Consultative Committee on Appointments.*

2. *Annuls the decision of the Management Board of the European Medicines Agency of 6 October 2011 appointing the Executive Director,*

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

4. *Orders the European Commission and the European Medicines Agency the bear their own costs and to each pay half of the costs incurred by Mr Hristov.*

([1]) OJ C 184, 23.6.2012, p. 21.

Judgment of the Civil Service Tribunal (Second Chamber) of 13 November 2014 — de Loecker v EEAS

(Case F-78/13) ([1])

(Civil servants — EEAS staff — Temporary agent — Head of delegation in a third country — Early cessation of the functions of head of delegation — Transfer to EEAS headquarters — Rights of the defence — Interest of the service — Reasons)

(2015/C 007/53)

Language of the case: French

Parties

Applicant: Stéphane de Loecker (Brussels, Belgium) (represented by: initially J.-N. Louis, A. Coolen and É. Marchal, lawyers, subsequently J.-N. Louis)

Defendant: European External Action Service (represented by: S. Marquardt and M. Silva, Agents)

Re:

Application for annulment of the decision to transfer the applicant from the EEAS office in Burundi to its headquarters in Brussels.

Operative part of the judgment

The Tribunal:

1. *Dismisses the action;*

2. *Orders Mr De Loecker to bear his own costs and to pay those incurred by the European External Action Service.*

([1]) OJ C 291, 5.10.2013, p. 7.

Action brought on 20 August 2014 — ZZ v Commission

(Case F-83/14)

(2015/C 007/54)

Language of the case: French

Parties

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

Defendant: Commission

Subject-matter and description of the proceedings

Annulment of the decision not to promote the applicant to grade AST 10 in the European Commission's 2013 promotion procedure.

Form of order sought

— Annul the decision of 8 November 2013 adopting the list of officials promoted in respect of the 2013 promotion procedure;

— Order the Commission to pay the costs.

Action brought on 2 September 2014 — ZZ and Others v Commission

(Case F-88/14)

(2015/C 007/55)

Language of the case: French

Parties

Applicants: ZZ and Others (represented by: Sébastien Orlandi, lawyer)

Defendant: European Commission

Subject-matter and description of the proceedings

Declaration of the inapplicability of Article 6 of Annex X to the Staff Regulations, as amended by Article 1(70) of

Form of order sought

— Declare Article 6 of Annex X to the Staff Regulations unlawful;

— Annul decisions reducing the applicants' annual leave as from 2014;

— Order the Commission to pay the costs.

Action brought on 12 September 2014 — ZZ v OHIM

(Case F-93/14)

(2015/C 007/56)

Language of the case: English

Parties

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

Defendant: OHIM

Subject-matter and description of the proceedings

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

Form of order sought

— Annul the contested decision;

— order the Defendant to bear the costs of the current proceedings.

Action brought on 15 September 2014 — ZZ v ECB

(Case F-94/14)

(2015/C 007/57)

Language of the case: French

Parties

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

Defendant: European Central Bank (ECB)

Subject-matter and description of the proceedings

Annulment of the decision of the Executive Board of the ECB not to grant the applicant an additional salary increase, in the context of the annual revision of salaries and bonuses for 2014.

Form of order sought

— Annul the decision of the Executive Board, adopted on 25 February 2014 and notified to the staff on 3 March 2014, not to grant the applicant an additional increase in salary for 2014;

— annul the decision dismissing the special appeal dated 1 July 2014 and received on 7 July 2014;

— if necessary, annul the decision of the competent Head of Department/DG-H not to consider or propose the applicant for an additional salary increase, notified implicitly by the decision of the Executive Board of 25 February 2014 and by the decision to dismiss the special appeal of 1 July 2014;

— order compensation for the material damage consisting of the loss of an opportunity to obtain an additional salary increase in 2014 evaluated at EUR 51 962 or, alternatively, annulment of the procedure leading up to the decision of 25 February 2014 and the organisation by the ECB of a new procedure for granting additional salary increases for 2014;

— order the defendant to pay compensation for the non-material damage suffered, assessed ex aequo et bono at EUR 5 000;

— order the defendant to pay the costs.

Action brought on 17 September 2014 — ZZ and ZZ v Commission

(Case F-96/14)

(2015/C 007/58)

Language of the case: French

Parties

Applicants: ZZ and ZZ (represented by: J. Lombaert and A. Surny, lawyers)

Defendant: European Commission

Subject-matter and description of the proceedings

Annulment of the decision of the Commission concerning retroactive revision of the survivors' pensions awarded to the applicants and ordering repayment of the excess amounts which were paid without entitlement.

Form of order sought

— Annul the decision of the Office for the Administration and Payment of Individual Entitlements (PMO) of 22 November 2013;

— rule that the amount incorrectly allocated to the applicants will not be recoverable;

— rule that the contested decision will take effect only on the first day of the following month, which is 1 December 2013, with respect to the changes to the amount of the survivors' and orphans' pensions awarded to the applicants.

Action brought on 22 September 2014 — ZZ v EMA

(Case F-97/14)

(2015/C 007/59)

Language of the case: French

Parties

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

Defendant: European Medicines Agency (EMA)

Subject-matter and description of the proceedings

Annulment of the EMA's decision, confirming the earlier decision annulled by judgment of the Civil Service Tribunal, not to renew the applicant's contract.

Form of order sought

The applicant claims that the Tribunal should:

— annul the decision adopted pursuant to the judgment of the Civil Service Tribunal of 26 June 2013 in joined cases F-135/11, F-51/12 and F-110/12;

— order the EMA to pay EUR 150 000 to the applicant by way of compensation for non-material harm suffered;

— order the EMA to pay EUR 1 to the applicant provisionally by way of compensation for material harm caused;

— order the EMA to pay the costs.

Action brought on 6 October 2014 — ZZ v OHIM

(Case F-101/14)

(2015/C 007/60)

Language of the case: German

Parties

Applicant: ZZ (represented by: Heinrich Tettenborn, lawyer)

Defendant: Office for Harmonisation in the Internal Market (OHIM)

Subject-matter and description of the proceedings

Action for annulment of the defendant's decision to apply to the competitions OHIM/AD/01/13 and OHIM/AST/02/13 the clause contained in the applicant's contract of employment, which provides for the termination of the applicant's contract of employment in the event that she is not included in the reserve list of the next open competition organised by EPSO for her function group with the specialisation 'industrial property', and claim for compensation in respect of the non-material damage caused to her.

Form of order sought

— Annul OHIM's decision, of which the applicant was informed by OHIM's letter of 28 November 2003, to apply to competitions OHIM/AD/01/13 and OHIM/AST/02/13, the notices for which were published on 31 October 2013, the clause contained in Article 5 of the applicant's contract of employment, which provides for the termination of the applicant's contract of employment in the event that she is not included in the reserve list of the next open competition organised by EPSO for her function group with the specialisation 'industrial property';

— Order OHIM to pay the applicant compensation of an appropriate amount, to be left to the discretion of the Court, in respect of the non-material damage caused to her by the decision of OHIM referred to in the first head of claim, and

— Order OHIM to pay the costs.

Action brought on 6 October 2014 — ZZ v OHIM

(Case F-102/14)

(2015/C 007/61)

Language of the case: German

Parties

Applicant: ZZ (represented by: Heinrich Tettenborn)

Defendant: Office for Harmonisation in the Internal Market (OHIM)

Subject-matter and description of the proceedings

Annulment of the decision of OHIM to apply the clause contained in the applicant's contract of employment — which provides for a termination of the applicant's contract of employment in the event that the applicant is not placed on the reserve list of the next general selection procedure organised by EPSO for its functional group and specialising in industrial property — to selection procedures OHIM/AD/01/13 and OHIM/AST/02/13, and a claim for damages for the non-material damage arising from that decision

Form of order sought

The applicant claims that the Court should:

— set aside the decision of OHIM, which was communicated to the applicant by letter from OHIM dated 28 November 2003, to apply the clause contained in Article 5 of the applicant's contract of employment — which provides for a termination of the applicant's contract of employment in the event that the applicant is not placed on the reserve list of the next general selection procedure organised by EPSO for its functional group and specialising in industrial property — to selection procedures OHIM/AD/01/13 and OHIM/AST/02/13, which were published on 31 October 2013;

— order OHIM to pay to the applicant damages of an appropriate amount at the discretion of the Court for the non-material damage arising from the decision of OHIM referred to in paragraph 1 above; and

— order OHIM to pay the costs.

Action brought on 6 October 2014 — ZZ v OHIM

(Case F-103/14)

(2015/C 007/62)

Language of the case: German

Parties

Applicant: ZZ (represented by: Heinrich Tettenborn, lawyer)

Defendant: Office for Harmonisation in the Internal Market (OHIM)

Subject-matter and description of the proceedings

Action for annulment of the defendant's decision to apply to the competitions OHIM/AD/01/13 and OHIM/AST/02/13 the clause contained in the applicant's contract of employment, which provides for the termination of the applicant's contract of employment in the event that she is not included in the reserve list of the next open competition organised by EPSO for her function group with the specialisation 'industrial property', and claim for compensation in respect of the non-material damage caused to her.

Form of order sought

— Annul OHIM's decision, of which the applicant was informed by OHIM's letter of 28 November 2003, to apply to competitions OHIM/AD/01/13 and OHIM/AST/02/13, the notices for which were published on 31 October 2013, the clause contained in Article 5 of the applicant's contract of employment, which provides for the termination of the applicant's contract of employment in the event that she is not included in the reserve list of the next open competition organised by EPSO for her function group with the specialisation 'industrial property';

— Order OHIM to pay the applicant compensation of an appropriate amount, to be left to the discretion of the Court, in respect of the non-material damage caused to her by the decision of OHIM referred to in the first head of claim, and

— Order OHIM to pay the costs.

Action brought on 7 October 2014 — ZZ v Commission

(Case F-104/14)

(2015/C 007/63)

Language of the case: French

Parties

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

Defendant: Commission

Subject-matter and description of the proceedings

Annulment of the decision not to include the applicant on the reserve list for competition EPSO/AD/241/12 — GA.

Form of order sought

The applicant claims that the Tribunal should:

— annul the decision of the selection board in competition EPSO AD/241/12 — GA not to include the applicant on the list of successful candidates;

— order the Commission to pay all the costs of the proceedings.

Action brought on 9th October 2014 — ZZ v ENISA

(Case F-105/14)

(2015/C 007/64)

Language of the case: English

Parties

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

Defendant: European Union Agency for Network and Information Security (ENISA)

Subject-matter and description of the proceedings

The annulment of the decision not to retain the applicant's candidacy for the post of 'legal officer' (vacancy notice ENISA-TA-AD-2013-05).

Form of order sought

— Annul the contested decision;

— order the Defendant to bear the costs.

Action brought on 10 October 2014 — ZZ v Commission

(Case F-107/14)

(2015/C 007/65)

Language of the case: French

Parties

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

Defendant: Commission

Subject-matter and description of the proceedings

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

Form of order sought

The applicant claims that the Tribunal should:

— declare Article 9 of the General Implementing Provisions of Article 11(2) of Annex VIII to the Staff Regulations unlawful and inapplicable;

— annul the decision of 16 February 2014 concerning the calculation of accredited pension rights acquired by the applicant prior to entering the service, as part of the transfer of those rights to the pension scheme of the institutions of the European Union, pursuant to the General Implementing Provisions of Article 11(2) of Annex VIII to the Staff Regulations of 3 March 2011;

— order the Commission to pay the costs.

Action brought on 13 October 2014 — ZZ v Commission

(Case F-109/14)

(2015/C 007/66)

Language of the case: Italian

Parties

Applicant: ZZ (represented by: L.M. Ribolzi, lawyer)

Defendant: Commission

Subject-matter and description of the proceedings

Annulment of the Commission's decision refusing a request for the survivor's pension paid to the divorced wife of a deceased official to be increased.

Form of order sought

ZZ claims that the Tribunal should:

— order the Commission to pay ZZ 35 % of the deceased's survivor's pension — amounting to EUR 2 857,40 at the time of death — with effect from the date of death, together with any interest accrued on the amounts withdrawn in the meantime;

— order the Commission to pay the costs.

Action brought on 17 October 2014 — ZZ and Others v Commission

(Case F-111/14)

(2015/C 007/67)

Language of the case: French

Parties

Applicant: ZZ and Others (represented by: T. Bontinck and A. Guillerme, lawyers)

Defendant: Commission

Subject-matter and description of the proceedings

The declaration that Article 45 of the Staff Regulations and Annex I thereto, together with the corresponding transitional provisions, are unlawful and annulment of the decisions of the Appointing Authority relating to the promotion of the eight applicants, who are grade AST 9 officials, in the context of the 2014 annual promotion exercise.

Form of order sought

— Principally: declare Article 45 of the Staff Regulations and Annex I thereto, together with the corresponding transitional provisions, unlawful;

— annul the decisions of the Appointing Authority, of an individual and of a general scope, to block any possibility of promotion concerning the applicants, as grade AST 9 officials, in the context of the 2014 annual promotion exercise;

— order the Commission to pay the costs;

— in the alternative: annul the decisions of the Appointing Authority, of an individual and of a general scope, to block any possibility of promotion concerning the applicants, as grade AST 9 officials, in the context of the 2014 annual promotion exercise;

— order the Commission to pay the costs.

Action brought on 20 October 2014 — ZZ and Others v Commission

(Case F-113/14)

(2015/C 007/68)

Language of the case: French

Parties

Applicants: ZZ and Others (represented by: T. Bontinck and A. Guillerme, lawyers)

Defendant: Commission

Subject-matter and description of the proceedings

The finding of illegality of Article 45 and Annex I of the Staff Regulations and the transitional measures relating thereto, and the annulment of decisions of the appointing authority, of both general and individual scope, relating to the promotion of the eight applicants, officials in grades AD 12 and AD 13, as part of the 2014 annual promotion exercise.

Form of order sought

— Declare Article 45 of the Staff Regulations and Annex I as well as the transitional measures relating thereto to be illegal;

— Annul the decisions of the appointing authority, of both general and individual scope, to block any possibility of promotion for the applicants, as officials in grade AD 12 or AD 13, as part of the 2014 annual promotion exercise;

— Order the Commission to pay the costs;

— In the alternative: annul the decisions of the appointing authority of both general and individual scope, to block any possibility of promotion for the applicants, as officials in grade AD 12 or AD 13, as part of the 2014 annual promotion exercise 2014;

— Order the Commission to pay the costs.

Action brought on 22 October 2014 — ZZ v Commission

(Case F-115/14)

(2015/C 007/69)

Language of the case: French

Parties

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

Defendant: European Commission

Subject-matter and description of the proceedings

First, declaration of illegality of Article 9 of the General Provisions for implementing Article 11(2) of Annex VIII to the Staff Regulations of 3 March 2011 and, second, annulment of the decisions to credit the pension rights acquired by the applicant into the European Union pension scheme pursuant to the new GIP.

Form of order sought

The applicant claims that the Tribunal should:

— Make a declaration of illegality in respect of Article 9 of the General Provisions for implementing Article 11(2) of Annex VIII to the Staff Regulations;

— Annul the decisions of 31 January 2014 and of 13 March 2014 to credit the pension rights acquired by the applicant prior to her entry into service, in the context of the transfer of those rights to the pension scheme of the EU institutions, pursuant to the General Provisions for implementing Article 11(2) of Annex VIII to the Staff Regulations of 3 March 2011;

— Order the Commission to pay the costs.

Action brought on 23 October 2014 — ZZ v Commission

(Case F-117/14)

(2015/C 007/70)

Language of the case: French

Parties

Applicant: ZZ (represented by: J.-N. Louis, R. Metz and D. Verbeke, lawyers)

Defendant: Commission

Subject-matter and description of the proceedings

Annulment of the decisions to credit the pension rights acquired by the applicant in the Union's pension scheme under the new general implementing provisions relating to Articles 11 and 12 of Annex VIII to the Staff Regulations.

Form of order sought

— Annul the decisions of the Commission of 10 March and 20 May 2014 fixing the calculation of his pension rights to be credited acquired before his entry into service with the Commission;

— Order the Commission to pay the costs.

Action brought on 24 October 2014 — ZZ v Commission

(Case F-119/14)

(2015/C 007/71)

Language of the case: French

Parties

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

Defendant: Commission

Subject-matter and description of the proceedings

Annulment of the Commission's decision closing the procedure for the appointment of the applicant as an official, the latter being entered on a competition reserve list, having informed him that the DG concerned had agreed to his employment and having found that his professional experience was not sufficient.

Form of order sought

— Annul the decision of 17 December 2013 by which the Directorate-General for Human Resources ('DG HR') of the European Commission, in its capacity as appointing authority, refused to employ the applicant as an official at the General Directorate for Justice and Home Affairs ('DG JUST');

— annul the decision of the appointing authority of 14 July 2004 rejecting the complaint brought by the applicant against the decision of the appointing authority of 17 December 2013;

— order the defendant to pay the sum of EUR 26 132,85, together with interest for late payment, in addition to the payment of the contributions to the pension scheme as from September 2013;

— order the Commission to pay one euro in respect of non-material damage;

— order the Commission to pay all the costs.

Action brought on 25 October 2014 — ZZ v Parliament

(Case F-120/14)

(2015/C 007/72)

Language of the case: French

Parties

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

Defendant: Parliament

Subject-matter and description of the proceedings

Annulment of the decision of the Parliament rejecting the applicant's request that his place of origin be changed to Larnaca (Cyprus) and the centre of his interests to Singapore, instead of Montreal (Canada), following his transfer to the European Parliament.

Form of order sought

The applicant claims that the Tribunal should:

— Annul the decision of the appointing authority of the Parliament of 17 December 2013 refusing to substitute Singapore for Montreal as the centre of his interests and consequently to fix his place of origin as Larnaca, and, insofar as necessary, annul the decision of 16 July 2014 rejecting the complaint that he had lodged against the contested decision;

— Order the Parliament to pay the costs.

Action brought on 27 October 2014 — ZZ v Council

(Case F-121/14)

(2015/C 007/73)

Language of the case: French

Parties

Applicant: ZZ (represented by: L. Levi and N. Flandin, lawyers)

Defendant: Council

Subject-matter and description of the proceedings

Annulment of the Council decision to apply a solidarity levy, as from 1 January 2014, to the applicant's remuneration and not to adjust his remuneration for the period from 1 January 2014 to 30 June 2015.

Form of order sought

— Annul the express decision applying a solidarity levy from 1 January 2014 to 30 June 2015 even though there is a remuneration adjustment freeze covering the period from 1 January 2014 to 30 June 2015 and,

— annul the implied decision not to apply an annual adjustment of the applicant's remuneration for the period from 1 January 2014 to 30 June 2015, those two decisions having been disclosed for the first time in the applicant's payslip for January 2014 and notified on 14 January 2014;

— in so far as necessary, annul the decision of 17 July 2014 rejecting the complaint;

— order the Council to pay all the costs.

Action brought on 27 October 2014 — ZZ v Commission

(Case F-122/14)

(2015/C 007/74)

Language of the case: French

Parties

Applicant: ZZ (represented by: J.-N. Louis, R. Metz and D. Verbeke, lawyers)

Defendant: Commission

Subject-matter and description of the proceedings

On one hand, the finding of the inapplicability of Regulation 1023/2013 of the Parliament and of the Council of 22 October 2013 amending the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union in that it provides for the suspension of the method of adjusting remuneration and introduces a solidarity levy, and, on the other hand, the annulment of the decision of the Council applying that solidarity levy from 1 January 2014 to the applicant's remuneration although his remuneration is not subject to adjustment for the period between 1 January 2014 and 30 June 2015.

Form of order sought

— Declare the inapplicability of Regulation 1023/2013 in that it provides for the suspension from 1 July 2013 to 30 June 2015 of the method of adjusting remuneration set out in Annex XI to the Staff Regulations while reintroducing, for the same period, a collection of a 'solidarity' levy of 6 %;

— Consequently, annul the contested decision;

— Order the Commission to pay the costs.

Action brought on 27 October 2014 — ZZ v Committee of the Regions

(Case F-123/14)

(2015/C 007/75)

Language of the case: French

Parties

Applicant: ZZ (represented by: J.-N. Louis, R. Metz and D. Verbeke, lawyers)

Defendant: Committee of the Regions

Subject-matter and description of the proceedings

Application for annulment of the decision of the Committee of the Regions to apply a solidarity levy from 1 January 2014 to the applicant's remuneration and not to adjust his remuneration in respect of the period from 1 January 2014 to 30 June 2015.

Form of order sought

The applicant claims that the Tribunal should:

— Declare that Regulation No 1023/2013 is inapplicable in so far as it provides for the suspension from 1 July 2013 to 30 June 2015 of the method of adjustment of remunerations fixed in Article XI of the Staff Regulations, while reintroducing, in respect of the same period, a 'solidarity' levy of 6 %;

— As a result, annul the contested decision;

— Order the Committee of the Regions to pay the costs.

Action brought on 27 October 2014 — ZZ v Commission

(Case F-124/14)

(2015/C 007/76)

Language of the case: French

Parties

Applicant: ZZ (represented by: J.-N. Louis, R. Metz and D. Verbeke, lawyers)

Defendant: Commission

Subject-matter and description of the proceedings

Annulment of the Commission's decision not to increase the salary of the applicant, who is a member of the contract staff, in the light of the increase in working hours to 40 hours per week as a consequence of the entry into force of the new Staff Regulations on 1 January 2014.

Form of order sought

The applicant claims that the Tribunal should:

— Annul the applicant's salary statement for January 2014 and the statements for the subsequent months insofar as they do not provide for the additional monthly amount calculated in accordance with Articles 6 and 7 of the GIP No 1287 of 27 April 2005 and taking account of the increase in working hours;

— Order the Commission to pay the costs.

Action brought on 27th October 2014 — ZZ v Parliament

(Case F-125/14)

(2015/C 007/77)

Language of the case: English

Parties

Applicant: ZZ (represented by: L. Levi and C. Bernard-Glanz, lawyers)

Defendant: Parliament

Subject-matter and description of the proceedings

The annulment of the decision of the Parliament to dismiss the applicant and the payment of damages.

Form of order sought

— Annul the contested decision and, so far as necessary, the decision rejecting the complaint;

— order the defendant to pay the applicant the salary and allowances she should have earned until the end of the 2009-2014 legislature;

— order the defendant to award the applicant an amount of 50 000 €, ex aequo et bono, and subject to increase or decrease in the course of the proceedings, as compensation for the damage resulting from the loss of the chance to securing a job at the European Parliament after the 2009-2014 legislature;

— order the defendant to award the applicant an amount of 15 000 €, ex aequo et bono, and subject to increase or decrease in the course of the proceedings, as compensation for the non-material damage suffered;

— order the defendant to pay the costs.

Action brought on 31 October 2014 — ZZ v Commission

(Case F-127/14)

(2015/C 007/78)

Language of the case: French

Parties

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

Defendant: European Commission

Subject-matter and description of the proceedings

Application to annul the Commission's decision refusing to re-calculate the bonus on the application's pension rights acquired in the European Union pension scheme pursuant to the new general implementing provisions for Articles 11 and 12 of Annex VIII to the Staff Regulations of Officials.

Form of order sought

The applicant claims that the Tribunal should:

— Annul the Commission's decision of 27 January 2014 rejecting the applicant's request, made on 6 January 2014, for re-calculation of the years of pensionable service credited following the transfer of his pension rights from the German pension system to the Community pension scheme;

— Order the Commission to pay all the costs of the proceedings, irrespective of the outcome of the action, on the grounds that the response to the request was so ill-adapted to it that the applicant was obliged, in order to obtain a genuine examination of the complaints he submitted, to bring legal action.

Action brought on 3 November 2014 — ZZ v EEAS

(Case F-129/14)

(2015/C 007/79)

Language of the case: French

Parties

Applicant: ZZ (represented by: J.-N. Louis, R. Metz, D. Verbeke, lawyers)

Defendant: EEAS

Subject-matter and description of the proceedings

The annulment of the EEAS' decision to remove the applicant from his post without reducing his pension rights.

Form of order sought

— Annul the EEAS' decision of 16 January 2014 to remove the applicant from his post without reducing his pension rights;

— Order the EEAS to pay the costs.

Action brought on 16 November 2014 — ZZ v Commission

(Case F-131/14)

(2015/C 007/80)

Language of the case: French

Parties

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

Defendant: European Commission

Subject-matter and description of the proceedings

Application for annulment of the Commission's decision not to increase the salary of the applicant, who is a member of the contract staff, following the increase in working hours to 40 hours a week as a result of the entry into force of the new Staff Regulations on 1 January 2014.

Form of order sought

The applicant claims that the Tribunal should:

— Annul his salary slip in respect of January 2014 in so far as it records and lays down discrimination in terms of salary between himself and a colleague who, working in the same sector as he is and with less responsibility than him, is better paid in terms of gross salary than he is;

— Order the defendant to pay all the costs of the proceedings.

Order of the Civil Service Tribunal of 17 November 2014 — Durand v Commission

(Case F-126/13) ([1])

(2015/C 007/81)

Language of the case: French

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

([1]) OJ C 45, 15.2.2014, p. 47.

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