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(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Order of the Court of 21 June 2016 (request for a preliminary ruling from the Juzgado de Primera Instancia No 5 de Cartagena, Spain) — Aktiv Kapital Portfolio AS, Oslo, branch in Zurich, formerly Aktiv Kapital Portfolio Investment v Angel Luis Egea Torregrosa

(Case C-122/14) [1]

(Reference for a preliminary ruling — Directive 93/13/EEC — Unfair terms in consumer contracts — Order for payment procedure — Enforcement proceedings)

(2016/C 326/02)

Language of the case: Spanish

Referring court

Juzgado de Primera Instancia No 5 de Cartagena, Spain

Parties to the main proceedings

Applicant: Aktiv Kapital Portfolio AS, Oslo, branch in Zurich, formerly Aktiv Kapital Portfolio Investment

Defendant: Angel Luis Egea Torregrosa

Operative part of the order

Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts must be interpreted as meaning that it precludes national legislation, such as that at issue in the main proceedings, which do not allow the court dealing with the enforcement of a payment order to determine of its own motion, even though it has all the elements of law and fact necessary for that purpose, the unfairness of a term in a contract concluded between a seller or supplier and a consumer which gave rise to that order, where, in the absence of opposition to the order by the consumer, the court

[1] OJ C 159 of 26.5.2014.

Order of the Court (Ninth Chamber) of 31 May 2016 — Koinonia Tis Pliroforias Anoichti Stis Eidikes Anagkes — Isotis v European Commission

(Case C-450/15 P) ([1])

(Appeal — Rules of Procedure of the Court of Justice — Article 181 — Arbitration clause — Contracts concluded under the Sixth Framework Programme for research, technological development and demonstration activities contributing to the creation of the European Research Area and to innovation (2002-2006, the eTEN Programme on trans-European telecommunications networks and the Competitiveness and Innovation Framework Programme (2007 — 2913) — Audit report finding expenses incurred ineligible — Claim for reimbursement of the grants paid — Fixed compensation — Action for annulment — Counter claim)

(2016/C 326/03)

Language of the case: Greek

Parties

Appellant: Koinonia Tis Pliroforias Anoichti Stis Eidikes Anagkes — Isotis (represented by: S. Skliris, lawyer)

Other party to the proceedings: European Commission (represented by: S. Lejeune and A. Marcoulli, Agents)

Operative part of the order

1. *The appeal is dismissed.*

2. *Loinonia Tis Pliroforias Anoichti Stis Eidikes Anagkes — Isotis is ordered to pay the costs.*

([1]) OJ C 395, 16.11.2014.

Order of the Court (Eighth Chamber) of 9 June 2016 — Chelyabinsk electrometallurgical integrated plant OAO (CHEMK), Kuzneckie ferrosplavy OAO (KF) v Council of the European Union, European Commission, Euroalliages

(Case C-345/15 P) ([1])

(Appeal — Article 181 of the Rules of Procedure — Dumping — Implementing Regulation (EU) No 60/2012 — Import of ferro-silicon originating, inter alia, in Russia — Regulation (EC) No 1225/2009 — Article 11(3) and (9) — Partial interim review)

(2016/C 326/04)

Language of the case: English

Parties

Appellants: Chelyabinsk electrometallurgical integrated plant OAO (CHEMK), Kuzneckie ferrosplavy OAO (KF) (represented by: B. Evtimov, lawyer, and D. O'Keefe, Solicitor)

Other parties to the proceedings: Council of the European Union (represented by: J.-P. Hix, S. Boelaert and E. McGovern, acting as Agents), European Commission, (represented by: J.-F. Brakeland and M. França, acting as Agents), Euroalliages

Operative part of the order

1. *The appeal is dismissed.*

2. *Chelyabinsk electrometallurgical integrated plant OAO (CHEMK) and Kuzneckie ferrosplavy OAO (KF) are to bear their own costs and to pay those incurred by the Council of the European Union.*

3. *The European Commission is to bear its own costs.*

([1]) OJ C 311, 21.9.2015.

Order of the Court (Seventh Chamber) of 24 May 2016 (Request for a preliminary ruling from the Corte di Appello di Bari — Italy) — Leonmobili Srl, Gennaro Leone v Homag Holzbearbeitungssysteme GmbH and Others

(Case C-353/15) ([1])

(Request for a preliminary ruling — Regulation (EC) No 1346/2000 — Article 3(1) and (2) — Insolvency proceedings — International jurisdiction — Centre of a debtor's main interests — Transfer of a company's registered office to another Member State — No establishment in the Member State of origin — Presumption that the centre of main interests is the place of the new registered office — Proof to the contrary)

(2016/C 326/05)

Language of the case: Italian

Referring court

Corte di Appello di Bari

Parties to the main proceedings

Applicants: Leonmobili Srl, Gennaro Leone

Defendants: Homag Holzbearbeitungssysteme GmbH, Curatela del Fallimento Leonmobili Srl, ICO Srl, Arturo Salice SpA, Grafiche Ricciarelli di Ricciarelli Bernardino, Deutsche Bank SpA, Fida Srl, Elica SpA

Operative part of the order

Article 3(1) of Council regulation (EC) No 1346/2000 of 29 May 2000 on insolvency proceedings must be interpreted as meaning that, where a company's registered office has been transferred from one Member State to another Member State, the court seised, subsequent to that transfer, of an application to open insolvency proceedings in the Member State of origin may disregard the presumption that that company's centre of main interests is situated at the place of the new registered office and find that the centre of those interests remained, as at the date on which that application was brought before it, in that Member State of origin, although the company no longer had an establishment there, only if it is apparent from other objective evidence, ascertainable by third parties, that, nonetheless, the company's actual centre of management and supervision and of the management of its interests was still located there at that date.

([1]) OJ C 302, 14.9.2015.

Order of the Court (Ninth Chamber) of 21 June 2016 (request for a preliminary ruling from the Naczelny Sąd Administracyjny — Poland) — Dyrektor Izby Skarbowej w Krakowie v ESET spol. s.r. o. sp. zo.o. Oddzial w Polsce

(Case C-393/15) ([1])

(Reference for a preliminary ruling — Article 99 of the Rules of Procedure of the Court of Justice — Taxation — Common system of value added tax — Directive 2006/112/EC — Article 168 — Article 169 (a) — Company established in a Member State in which it carries out taxable transactions — Branch registered in another Member State for the payment of value added tax — Occasional taxable transactions made in that State — Main activity consisting in the performance of internal transactions for the benefit of that company — Input tax paid by that company — Deducted in the Member State of registration

(2016/C 326/06)

Language of the case: Polish

Referring court

Naczelny Sąd Administracyjny — Poland

Parties to the main proceedings

Applicant: Dyrektor Izby Skarbowej w Krakowie

Defendant: ESET spol. s.r.o. sp. zo.o. Oddzial w Polsce

Operative part of the order

Article 168 and Article 169(a) of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax must be interpreted as meaning that a branch registered in one Member State for the payment of value added tax for a company established in another Member State and which mainly carries out internal transactions not subject to that tax for that company, but also occasionally transactions taxed in the Member State where it is registered, is entitled to deduct input tax in the latter State charged on goods and services used for the needs of that company's taxable transactions carried out in the Member State where the branch is established.

([1]) OJ C 337 of 12.10.2015.

Order of the Court (Eighth Chamber) of 21 June 2016 (request for a preliminary ruling from the Tribunale di Cagliari — Italy) — Salumificio Murru SpA v Autotrasporti di Marongiu Remigio

(Case C-121/16) ([1])

(Reference for a preliminary ruling — Article 99 of the Rules of Procedure of the Court of Justice — Article 101 TFEU — Road transport — Price of road haulage services for hire or reward which may not be lower than the minimum operating costs — Competition — Fixing of costs by the Ministry of Infrastructure and Transport)

(2016/C 326/07)

Language of the case: Italian

Referring court

Tribunale di Cagliari

Parties to the main proceedings

Applicant: Salumificio Murru SpA

Defendant: Autotrasporti di Marongiu Remigio

Operative part of the order

Article 101 TFEU, read in conjunction with Article 4(3) TEU, must be interpreted as not precluding national legislation, such as that at issue in the main proceedings, pursuant to which the price of road haulage services for hire or reward may not be lower than minimum operating costs fixed by a national administration.

([1]) OJ C 200, 6.6.2016.

Appeal brought on 23 July 2015 by Harper Hygienics S.A. against the judgment delivered by the General Court on 13 May 2015 in Case T-363/13, Harper Hygienics v European Union Intellectual Property Office — Clinique Laboratories (CLEANIC natural beauty)

(Case C-474/15 P)

(2016/C 326/08)

Language of the case: Polish

Parties

Appellant: Harper Hygienics S.A. (represented by: D. Rzążewska, radca prawny)

Other parties to the proceedings: European Union Intellectual Property Office and Clinique Laboratories, LLC

By order of the Court of Justice (Tenth Chamber) of 7 April 2016, the appeal was declared inadmissible in part and was dismissed as to the remainder.

Appeal brought on 23 July 2015 by Harper Hygienics S.A. against the judgment delivered by the General Court on 13 May 2015 in Case T-364/12, Harper Hygienics v European Union Intellectual Property Office — Clinique Laboratories (CLEANIC Kindii)

(Case C-475/15 P)

(2016/C 326/09)

Language of the case: Polish

Parties

Appellant: Harper Hygienics S.A. (represented by: D. Rzążewska, radca prawny)

Other parties to the proceedings: European Union Intellectual Property Office and Clinique Laboratories, LLC

By order of the Court of Justice (Tenth Chamber) of 7 April 2016, the appeal was declared inadmissible in part and was dismissed as to the remainder.

Appeal brought on 25 September 2015 by Roland SE against the judgment of the General Court (Ninth Chamber) delivered on 16 July 2015 in Case T-631/14 Roland SE v European Union Intellectual Property Office

(Case C-515/15 P)

(2016/C 326/10)

Language of the case: French

Parties

Appellant: Roland SE (represented by: C. Onken, Rechtsanwältin)

Other parties to the proceedings: European Union Intellectual Property Office

Christian Louboutin

By order of 14 April 2016 the Court (Ninth Chamber) dismissed the appeal.

Appeal brought on 19 November 2015 by Eugenia Mocek, Jadwiga Wenta, KAJMAN Firma Handlowo-Usługowo-Produkcyjna against the judgment of the General Court (First Chamber) delivered on 30 September 2015 in Case T-364/13: Eugenia Mocek, Jadwiga Wenta, KAJMAN Firma Handlowo-Usługowo-Produkcyjna v EUIPO

(Case C-619/15 P)

(2016/C 326/11)

Language of the case: English

Parties

Appellant: Eugenia Mocek, Jadwiga Wenta, KAJMAN Firma Handlowo-Usługowo-Produkcyjna (represented by: B. Szczepaniak, radca prawny)

Other party to the proceedings: European Union Intellectual Property Office (EUIPO)

By order of 21 June 2016 the Court of Justice (Eight Chamber) held that the appeal was inadmissible.

Request for a preliminary ruling from the Landesverwaltungsgericht Oberösterreich (Austria) lodged on 30 November 2015 — Susanne Sokoll-Seebacher and Manfred Naderhirn

(Case C-634/15)

(2016/C 326/12)

Language of the case: German

Referring court

Landesverwaltungsgericht Oberösterreich

Parties to the main proceedings

Applicants: Susanne Sokoll-Seebacher, Manfred Naderhirn

Intervening parties: Agnes Hemetsberger, Mag. Jungwirth und Mag. Fabian OHG and Others

By the order of 30 June 2016, the Court (Eighth Chamber) orders:

The judgment of 13 February 2014 in *Sokoll-Seebacher* (C-367/12, EU:C:2014:68) must be read as meaning that the criterion relating to a strict limit on the number of 'persons who continue to be served', laid down by the national legislation at issue in the main proceedings, is not to be applied, for the purposes of determining the existence of a need to open a new pharmacy, in a general manner, in every specific situation which will be the subject of an assessment.

Appeal brought on 25 January 2016 by Min Liu against the judgment of the General Court (Third Chamber) delivered on 18 November 2015 in Case T-813/14: Liu v EUIPO

(Case C-41/16 P)

(2016/C 326/13)

Language of the case: English

Parties

Appellant: Min Liu (represented by: Y. Zhang, Rechtsanwalt)

Other party to the proceedings: European Union Intellectual Property Office (EUIPO)

By order of 8 June 2016 the Court of Justice (Eight Chamber) held that the appeal was inadmissible.

Appeal brought on 21 January 2016 by Copernicus-Trademarks Ltd against the judgment of the General Court (Ninth Chamber) delivered on 25 June 2015 in Case T-186/12: Copernicus-Trademarks v EUIPO

(Case C-43/16 P)

(2016/C 326/14)

Language of the case: English

Parties

Appellant: Copernicus-Trademarks Ltd (represented by: C. Röhl, Rechtsanwalt)

Other party to the proceedings: European Union Intellectual Property Office (EUIPO)

By order of 14 June 2016 the Court of Justice (Eight Chamber) held that the appeal was inadmissible.

Request for a preliminary ruling from the Sąd Rejonowy w Koninie (Poland) lodged on 28 January 2016 — Halina Grodecka; intervening parties: Józef Konieczka and Others

(Case C-50/16)

(2016/C 326/15)

Language of the case: Polish

Referring Court

Sąd Rejonowy w Koninie

Parties to the main proceedings

Halina Grodecka; intervening parties: Józef Konieczka and Others

By order of 2 June 2016, the Court of Justice of the European Union (Tenth Chamber) declared that it manifestly lacks jurisdiction to reply to the question referred for a preliminary ruling by the Sąd Rejonowy w Koninie (Poland).

Appeal brought on 16 February 2016 by LTJ Diffusion against the judgment delivered on 15 December 2015 in Case T-83/14 LTJ Diffusion v EUIPO — Arthur et Aston (ARTHUR & ASTON)

(Case C-94/16 P)

(2016/C 326/16)

Language of the case: French

Parties

Appellant: LTJ Diffusion (represented by: F. Fajgenbaum, avocate)

Other parties to the proceedings: European Union Intellectual Property Office

Arthur et Aston SAS

By order of 15 June 2016 the Court (Seventh Chamber) dismissed the appeal.

Request for a preliminary ruling from the Supremo Tribunal de Justiça (Portugal) lodged on 23 May 2016 — Fidelidade-Companhia de Seguros SA v Caisse Suisse de Compensation and Others

(Case C-287/16)

(2016/C 326/17)

Language of the case: Portuguese

Referring court

Supremo Tribunal de Justiça

Parties to the main proceedings

Appellant: Fidelidade-Companhia de Seguros SA

Respondents: Caisse Suisse de Compensation, Fundo de Garantia Automóvel, Sandra Cristina Chrystello Pinto Moreira Pereira, Sandra Manuela Teixeira Gomes Seemann, Catarina Ferreira Seemann, José Batista Pereira

Question referred

Do Article 3(1) of Directive 72/166/EEC, ([1]) Article 2(1) of Directive 84/5/EEC, ([2]) and Article 1 of Directive 90/232/EEC, ([3]) on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles, preclude national legislation which provides that an insurance contract shall be null and void in the event of false statements concerning the owner of the motor vehicle and the identity of its usual driver, where the contract was concluded by a person who has no economic interest in the use of the vehicle and where there is an underlying fraudulent intent on the part of the interested parties (policy holder, owner of the vehicle and the usual driver) to obtain cover for risks in respect of the use of motor vehicles by means of: (i) concluding a contract that the insurer would not have entered if it had known the identity of the policyholder and (ii) paying a premium lower than would be payable having regard to the age of the usual driver?

([1]) Council Directive 72/166/EEC of 24 April 1972 on the approximation of the laws of Member States relating to insurance against civil liability in respect of the use of motor vehicles, and to the enforcement of the obligation to insure against such liability (OJ 1972 L 103, p. 1).

([2]) Second Council Directive 84/5/EEC of 30 December 1983 on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles (OJ 1984 L 8, p. 17).

([3]) Third Council Directive 90/232/EEC of 14 May 1990 on the approximation of the laws of the Member States relating to insurance against civil liability in respect of the use of motor vehicles (OJ 1990 L 129, p. 33).

Request for a preliminary ruling from the Rechtbank Noord-Nederland, sitting in Groningen (Netherlands), lodged on 27 May 2016 — Bas Jacob Adriaan Krijgsman v Surinaamse Luchtvaart Maatschappij NV

(Case C-302/16)

(2016/C 326/18)

Language of the case: Dutch

Referring court

Rechtbank Noord-Nederland, sitting in Groningen

Parties to the main proceedings

Applicant: Bas Jacob Adriaan Krijgsman

Defendant: Surinaamse Luchtvaart Maatschappij NV

Question referred

What (procedural and substantive) requirements must be imposed on the performance of the obligation to inform referred to in Article 5(1)(c) of Regulation No 261/2004 ([1]) in the case where the contract for carriage has been entered into via a travel agent or the booking has been made via a website?

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

Request for a preliminary ruling from the Tribunal da Relação do Porto (Portugal) lodged on 30 May 2016 — António Fernando Maio Marques da Rosa v Varzim Sol — Turismo, Jogo e Animação, S

(Case C-306/16)

(2016/C 326/19)

Language of the case: Portuguese

Referring court

Tribunal da Relação do Porto

Parties to the main proceedings

Appellant: António Fernando Maio Marques da Rosa

Respondent: Varzim Sol — Turismo, Jogo e Animação, S

Question(s) referred

1. In the light of Article 5 of Directive 93/104/EC ([1]) of 23 November 1993, and Directive 2003/88/EC ([2]) of the European Parliament and of the Council of 4 November 2003, as well as Article 31 of the Charter of Fundamental Rights of the European Union, in the case of workers engaged in shift work and rotating rest periods, in an establishment that is open every day of the week but which does not have continuous 24-hour productive periods, must the compulsory day of rest that a worker is entitled to be granted in each period of seven days, that is, at the latest on the seventh day following six consecutive working days?

2. Do those directives and provisions preclude an interpretation to the effect that, in relation to those workers, the employer is free to choose the days on which he grants a worker, for each week, the rest periods to which he is entitled, so that the worker may be required, without overtime pay, to work for up to ten consecutive days (for example, between Wednesday of one week, preceded by a rest period on Monday and Tuesday, until Friday of the following week, followed by a rest period on Saturday and Sunday)?

3. Do those directives and provisions preclude an interpretation to the effect that the uninterrupted rest period of 24 hours may be granted on any of the calendar days in a given period of seven calendar days, and the subsequent uninterrupted rest period of 24 hours (to which are added the 11 hours of daily rest) may also be granted on any of the calendar days in the period of seven calendar days immediately following the period mentioned above?

4. Do those directives and provisions, taking into account also the provision in Article 16(a) of Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003, preclude an interpretation to the effect that a worker, instead of taking an uninterrupted rest period of 24 hours (to which are added to 11 hours of daily rest) for each period of seven days, may take two periods, which may or may not be consecutive, of uninterrupted rest of 24 hours in any of the 4 calendar days of a given reference period of 14 calendar days?

([1]) Council Directive 93/104/EC of 23 November 1993 concerning certain aspects of the organisation of working time (OJ 1993 L 307, p. 18).

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

Request for a preliminary ruling from the Rechtbank Den Haag, sitting in Middelburg (Netherlands) lodged on 13 June 2016 — K. v Staatssecretaris van Veiligheid en Justitie

(Case C-331/16)

(2016/C 326/20)

Language of the case: Dutch

Referring court

Rechtbank Den Haag, sitting in Middelburg

Parties to the main proceedings

Applicant: K.

Defendant: Staatssecretaris van Veiligheid en Justitie

Questions referred

1. Does Article 27(2) of Directive 2004/38/EC ([1]) permit a Union citizen, as in the present case, in respect of whom it has been established in law that Article 1(F)(a) and (b) of the Refugee Convention is applicable to him, to be declared undesirable because the exceptional seriousness of the crimes to which that Convention relates leads to the conclusion that it must be assumed that, by its very nature, the threat affecting one of the fundamental interests of society is permanently present?

2. If the answer to question 1 is in the negative, how should an assessment be carried out, in the context of an intended declaration of undesirability, of whether the conduct of a Union citizen, as referred to above, to whom Article 1(F)(a) and (b) of the Refugee Convention has been declared applicable, should be regarded as a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society? To what extent does the fact that the 1(F) conduct, as in the present case, took place long ago — in this case: in the period between 1992 and 1994 — play a role therein?

3. In what way does the principle of proportionality play a role in the assessment of whether a declaration of undesirability can be imposed on a Union citizen to whom Article 1(F)(a) and (b) of the Refugee Convention has been declared applicable, as in the present case? Should the factors mentioned in Article 28(1) of the Residence Directive be involved, either as part of such an assessment, or separately? Should the period of ten years' residence in the host country mentioned in Article 28(3)(a) be taken into account, either as part of such an assessment, or separately? Should the factors listed in paragraph 3.3 of the Guidance for better transposition and application of Directive 2004/38/EC, (COM (2009)313), be fully involved?

([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 (Text with EEA relevance) (OJ 2004 L 158, p. 77).

Appeal brought on 16 June 2016 by the Portuguese Republic against the order of the General Court (Eighth Chamber) delivered on 19 April 2016 in Case T-550/15 Portugal v Commission

(Case C-337/16 P)

(2016/C 326/21)

Language of the case: Portuguese

Parties

Appellant: Portuguese Republic (represented by: L. Inez Fernandes, M. Figueiredo, P. Estêvão and J. Saraiva de Almeida, acting as Agents)

Other party: European Commission

Form of order sought

— Set aside the judgment under appeal in so far as, in that judgment, the General Court accepted the plea of inadmissibility raised by the Commission in the present proceedings;

— Declare that the appeal of the contested decision has been validly brought within the period laid down in Article 263 TFEU.

— Order the European Commission to pay all of the costs.

Pleas in law and main arguments

The Portuguese Republic considers that the decision is invalid on the following grounds:

A — First ground — Calculation of the time-limit for bringing proceedings against the decision of 20 July 2015

First argument

Infringement of Article 263 TFEU.

Second argument

Calculation of the time-limit for bringing proceedings from the date of notification of the final decision on 20 July 2015.

B — Second Ground — Calculation of the time-limit for bringing proceedings from the date of publication of the contested decision in the Official Journal

First argument

The wording of Article 263(6) TFEU.

Second argument

The consistent practice of publishing such decisions and identical prior legal proceedings.

C — Third Ground — The General Court erred in law in so far as it did not favour an interpretation that did not result in lapse of the right to bring proceedings

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Appeal brought on 16 June 2016 by the Portuguese Republic against the order of the General Court (Eighth Chamber) delivered on 19 April 2016 in Case T-551/15 Portugal v Commission

(Case C-338/16 P)

(2016/C 326/22)

Language of the case: Portuguese

Parties

Appellant: Portuguese Republic (represented by: L. Inez Fernandes, M. Figueiredo, P. Estêvão and J. Saraiva de Almeida, acting as Agents)

Other party to the proceedings: European Commission

Form of order sought

— Set aside the judgment under appeal in so far as, in that judgment, the General Court accepted the plea of inadmissibility raised by the Commission in the present proceedings;

— Declare that the appeal of the contested decision has been validly brought within the period laid down in Article 263 TFEU.

— Order the European Commission to pay all of the costs.

Pleas in law and main arguments

The Portuguese Republic considers that the decision is invalid on the following grounds:

A — First ground — Calculation of the time-limit for bringing proceedings against the decision of 20 July 2015

First argument

Infringement of Article 263 TFEU.

Second argument

Calculation of the time-limit for bringing proceedings from the date of notification of the final decision on 20 July 2015.

B — Second Ground — Calculation of the time-limit for bringing proceedings from the date of publication of the contested decision in the Official Journal

First argument

The wording of Article 263(6) TFEU.

Second argument

The consistent practice of publishing such decisions and identical prior legal proceedings.

C — Third Ground — The General Court erred in law in so far as it did not favour an interpretation that did not result in lapse of the right to bring proceedings

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Appeal brought on 16 June 2016 by the Portuguese Republic against the order of the General Court (Eighth Chamber) delivered on 19 April 2016 in Case T-556/15 Portugal v Commission

(Case C-339/16 P)

(2016/C 326/23)

Language of the case: Portuguese

Parties

Appellant: Portuguese Republic (represented by: L. Inez Fernandes, M. Figueiredo, P. Estêvão and J. Saraiva de Almeida, acting as Agents)

Other party to the proceedings: European Commission

Form of order sought

— Set aside the judgment under appeal in so far as, in that judgment, the General Court accepted the plea of inadmissibility raised by the Commission in the present proceedings;

— Declare that the appeal of the contested decision has been validly brought within the period laid down in Article 263 TFEU.

— Order the European Commission to pay all of the costs.

Pleas in law and main arguments

The Portuguese Republic considers that the decision is invalid on the following grounds:

A — First ground — Calculation of the time-limit for bringing proceedings against the decision of 20 July 2015

First argument

Infringement of Article 263 TFEU.

Second argument

Calculation of the time-limit for bringing proceedings from the date of notification of the final decision on 20 July 2015.

B — Second Ground — Calculation of the time-limit for bringing proceedings from the date of publication of the contested decision in the Official Journal

First argument

The wording of Article 263(6) TFEU.

Second argument

The consistent practice of publishing such decisions and identical prior legal proceedings.

C — Third Ground — The General Court erred in law in so far as it did not favour an interpretation that did not result in lapse of the right to bring proceedings

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Request for a preliminary ruling from the Oberlandesgericht Düsseldorf (Germany) lodged on 16 June 2016 — Hanssen Beleggingen BV v Tanja Prast-Knipping

(Case C-341/16)

(2016/C 326/24)

Language of the case: German

Referring court

Oberlandesgericht Düsseldorf

Parties to the main proceedings

Applicant: Hanssen Beleggingen BV

Defendant: Tanja Prast-Knipping

Question referred

Does the notion of proceedings which are 'concerned with the registration or validity of … trade marks', within the meaning of Article 22.4 of Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, ([1]) also cover a claim, brought against the formal proprietor of a Benelux trade mark registered in the Benelux trade mark register, which seeks an order requiring that defendant to make a declaration to the Benelux trade mark office that she has no entitlement to the contested mark and that she waives registration as the proprietor of that mark?

([1]) OJ 2001 L 12, p. 1.

Request for a preliminary ruling from the Tribunal de première instance de Liège (Belgium) lodged on 22 June 2016 — Jean Jacob, Dominique Lennertz v Belgian State

(Case C-345/16)

(2016/C 326/25)

Language of the case: French

Referring court

Tribunal de première instance de Liège

Parties to the main proceedings

Applicants: Jean Jacob, Dominique Lennertz

Defendant: Belgian State

Question referred

Is it contrary to Article 39 of the Treaty on European Union for the Belgian tax system, at Article 155 of the CIR/92 and regardless of whether Circular No Ci.RH.331/575.420 of 12 March 2008 is applied, to have the effect that Mr Jacob's Luxembourg pensions, exempted from tax pursuant to Article 18 of the Convention concluded between Belgium and Luxembourg for the avoidance of double taxation, are taken into account for the purposes of calculating the tax payable in Belgium and used as the basis of assessment for the grant of tax advantages provided for under the CIR 92, and that those advantages, such as the tax-free allowance, long-term savings, costs paid with service vouchers, costs incurred in saving energy in the home, costs incurred in protecting the home against theft or fire, and charitable donations made by the applicant, are reduced or granted to a lesser extent than if both the applicants had income earned in Belgium and if Ms Lennertz, and not Mr Jacob, had received pensions only from Belgium?

Request for a preliminary ruling from the Administrativen sad Sofia-grad (Bulgaria) lodged on 21 June 2016 — Balgarska energiyna borsa AD (BEB) v Komisia za energiyno i vodno regulirane (KEVR)

(Case C-347/16)

(2016/C 326/26)

Language of the case: Bulgarian

Referring court

Administrativen sad Sofia-grad

Parties to the main proceedings

Applicant: Balgarska energiyna borsa AD (BEB)

Defendant: Komisia za energiyno i vodno regulirane (KEVR)

Questions referred

1. Does Article 9(1)(b)(i) and (ii) of Directive 2009/72/EC ([1]) of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC permit the same person to be the sole shareholder of the independent transmission system operator and of the company whose most important activities are the generation and transmission of electricity?

2. Does Article 9(1)(b)(i) and (ii) of Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC permit the same person directly or indirectly to exercise control over the independent transmission system operator and over an undertaking which generates and supplies electricity?

3. Does Article 9(1)(c) and (d) of Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC permit the same person to appoint the members of the supervisory board of the transmission system operator (which in turn elects its management board) and the members of the board of directors of the undertaking which generates and supplies electricity?

4. Do Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC, Regulation (EC) No 714/2009 ([2]) of the European Parliament and of the Council of 13 July 2009 on conditions for access to the network for cross-border exchanges in electricity and repealing Regulation (EC) No 1228/2003, ([3]) [Commission] Regulation (EU) 2015/1222 ([4]) [of 24 July 2015] establishing a guideline on capacity allocation and congestion management [and] Regulation (EU) No 1227/2011 ([5]) of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency permit restrictions on the number of persons to whom a licence for electricity transmission may be issued in a particular territory?

5. If the foregoing questions are answered in the affirmative and [on the basis that] in accordance with Article 43(1)(1) [of the Zakon na energetikata (Law on the energy sector)] only one single licence is issued for the territory of the Republic of Bulgaria: Must it be assumed that there is a conflict of interest within the meaning of [recital 12 of] Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC?

6. Must it be assumed that, in providing that only one licence for electricity transmission may be issued within the national territory, the national rule laid down in Article 43(1)(1) [of the Law on the energy sector] restricts competition within the meaning of Articles 101 TFEU and 102 TFEU?

([1]) OJ 2009 L 211, p. 55.
([2]) OJ 2009 L 211, p. 15.
([3]) Regulation (EC) No 1228/2003 of the European Parliament and of the Council of 26 June 2003 on conditions for access to the network for cross-border exchanges in electricity (OJ 2003 L 176, p. 1).
([4]) OJ 2015 L 197, p. 24.
([5]) OJ 2011 L 326, p. 1.

Request for a preliminary ruling from the Audiencia Provincial de Navarra (Spain) lodged on 27 June 2016 — Instituto de Religiosas Oblatas del Santísimo Redentor v Joaquín Taberna Carvajal

(Case C-352/16)

(2016/C 326/27)

Language of the case: Spanish

Referring court

Audiencia Provincial de Navarra

Parties to the main proceedings

Appellant: Instituto de Religiosas Oblatas del Santísimo Redentor

Respondent: Joaquín Taberna Carvajal

Question referred

Is Royal Decree 1373/2003 compatible with Article 4(3) [TEU] and Article 101 TFEU, given that, even though that legal provision was enacted by the State, the courts may not review whether, in the light of the circumstances of the case, the amount of the tariff is excessive, this being a limitation of judicial review which, regardless of the importance and quality of the services, might constitute a restriction of free competition?

Reference for a preliminary ruling from Supreme Court of the United Kingdom (United Kingdom) made on 22 June 2016 — MP v Secretary of State for the Home Department

(Case C-353/16)

(2016/C 326/28)

Language of the case: English

Referring court

Supreme Court of the United Kingdom

Parties to the main proceedings

Applicant: MP

Defendant: Secretary of State for the Home Department

Question referred

Does article 2(e), read with article 15(b), of EU Council Directive 2004/83/EC ([1]) cover a real risk of serious harm to the physical or psychological health of the applicant if returned to the country of origin, resulting from previous torture or inhuman or degrading treatment for which the country of origin was responsible?

([1]) Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted OJ L 304, p. 12

Appeal brought on 7 July 2016 by Inclusion Alliance for Europe GEIE against the order of the General Court (Ninth Chamber) of 21 April 2016 in Case T-539/13, Inclusion Alliance for Europe v Commission

(Case C-378/16 P)

(2016/C 326/29)

Language of the case: Italian

Parties

Appellant: Inclusion Alliance for Europe GEIE (represented by: S. Famiani, avvocato)

Other party to the proceedings: European Commission

Form of order sought

The appellant claims that the Court should:

— set aside the order under appeal;

— order the Commission to pay the costs.

Pleas in law and main arguments

By decision of 17 July 2013, the European Commission requested payment from Inclusion Alliance for Europe of a total amount of EUR 212 411,89 in respect of Projects No 224 482 (MARE), No 216 820 (SENIOR), and No 225 010 (ECRN). Inclusion Alliance for Europe brought an action seeking annulment of that decision before the General Court, which gave a decision by reasoned order pursuant to Article 126 of the Rules of Procedure of the General Court.

Inclusion Alliance for Europe claims that the order under appeal should be set aside in its entirety, for the reasons outlined below.

The order under appeal failed to take into account or to apply the general principles of EU law in the assessment of the action brought against the Commission's decision.

The General Court erroneously regarded the arguments put forward in the reply as pleas in law which had been submitted for the first time, whereas they are, on the contrary, clarifications of the pleas in law and arguments already set out in the original application, with the result that there is no infringement of Article 44(1) of the Rules of Procedure of the General Court of 2 May 1991.

Regarding the submissions made concerning the principles of EU law applicable to the audit procedure, the General Court provided an inadequate, or even no, statement of reasons, incorrectly continuing to bring the case back to the issue of interpretation/breach of contract rather than taking the infringement of the general principles of EU law into account.

The order under appeal fails to take into account or to apply the general principles of EU law with regard to the claim of unjust enrichment and the claim for compensation brought against the European Commission.

Appeal brought on 19 July 2016 by the Federal Republic of Germany against the judgment of the General Court (Third Chamber) of 10 May 2016 in Case T-47/15, Federal Republic of Germany v European Commission

(Case C-405/16 P)

(2016/C 326/30)

Language of the case: German

Parties

Appellant: Federal Republic of Germany (represented by: T. Henze and R. Kanitz, Agents, assisted by T. Lübbig, Rechtsanwalt)

Other party to the proceedings: European Commission

Form of order sought

The Federal Republic of Germany claims that the Court should:

— set aside, in its entirety, the judgment under appeal of the General Court (Third Chamber) of 10 May 2016 in Case T-47/15;

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

Grounds of appeal and main arguments

The appeal is based on three grounds of appeal:

1. First ground of appeal

The judgment of the General Court under appeal failed to have regard for the limits of the definition of aid under Article 107(1) TFEU in the interpretation of 'State resources' and State 'control' over the financial resources of private undertakings. The judgment under appeal wrongly assumes that 'authorities' of the Federal Republic of Germany, on the basis of the requirements of the German Renewable Energy Law, exercise 'control', and therefore administrative power, over the financial means of transmission system operators and energy supply undertakings integrated into the existing system in Germany for promoting renewable energies. The General Court ought properly to have recognised that the Renewable Energy Law creates solely private-law contractual relations between single undertakings in the German energy market but establishes no State control over the financial means of those undertakings.

2. Second ground of appeal

The appellant criticises the General Court for having wrongly held that the German Renewable Energy Law provides an advantage amounting to aid to energy-intensive undertakings as final consumers. In so holding, the General Court failed to have regard for the case-law relating to structural disadvantages and also to the criterion of the selectivity of aid.

3. Third ground of appeal

Finally, the appellant complains of insufficient reasoning in the judgment with regard to the positions of both transmission systems operators and energy supply undertakings.

Order of the President of the Third Chamber of the Court of 9 June 2016 (request for a preliminary ruling from the Østre Landsret — Denmark) — Delta Air Lines Inc. v Daniel Dam Hansen, Mille Doktor, Carsten Jensen, Mogens Jensen, Dorthe Fabricius, Jens Ejner Rasmussen, Christian Bøje Pedersen, Andreas Fabricius, Mads Wedel Rasmussen, Nicklas Wedel Rasmussen, Thomas Lindstrøm Jensen, Marianne Thestrup Jensen, Erik Lindstrøm Jensen, Jakob Lindstrøm Jensen, Liva Doktor, Peter Lindstrøm Jensen

(Case C-305/15) ([1])

(2016/C 326/31)

Language of the case: Danish

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

([1]) OJ C 294, 7.9.2015.

Order of the President of the Fourth Chamber of the Court of 30 May 2016 (request for a preliminary ruling from the Centrale Raad van Beroep — Nederlands) — J. Klinkenberg v Minister van Infrastructuur en Milieu

(Case C-343/15) ([1])

(2016/C 326/32)

Language of the case: Dutch

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

([1]) OJ C 311, 21.9.2015.

Order of the President of the Seventh Chamber of the Court of 1 June 2016 — The National Iranian Gas Company v Council of the European Union

(Case C-359/15 P) ([1])

(2016/C 326/33)

Language of the case: French

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

([1]) OJ C 294, 7.9.2015.

Order of the President of the Third Chamber of the Court of 21 June 2016 (request for a preliminary ruling from the Oberster Gerichtshof — Austria) — S, T v R

(Case C-492/15) ([1])

(2016/C 326/34)

Language of the case: German

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

([1]) OJ C 398, 30.11.2015.

Order of the President of the Court of 20 June 2016 — European Commission v Czech Republic

(Case C-581/15) ([1])

(2016/C 326/35)

Language of the case: Czech

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

([1]) OJ C 27, 25.1.2016.

Order of the President of the Court of 20 June 2016 (request for a preliminary ruling from the Landgericht Hamburg — Germany) — Irene Uhden v KLM Royal Dutch Airlines N.V.

(Case C-40/16) ([1])

(2016/C 326/36)

Language of the case: German

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

([1]) OJ C 175, 17.5.2016.

Order of the President of the Court of 21 April 2016 (request for a preliminary ruling from the Kúria — Hungary) — Damien Zöldség, Gyümölcs Kereskedelmi és Tanácsadó Kft. v Nemzeti Adó- és Vámhivatal Fellebbviteli Igazgatóság

(Case C-114/16) ([1])

(2016/C 326/37)

Language of the case: Hungarian

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

([1]) OJ C 211, 13.6.2016.

GENERAL COURT

Judgment of the General Court of 20 July 2016 — Oikonomopoulos v Commission

(Case T-483/13) ([1])

(Non-contractual liability — Damage caused by the Commission in the context of an OLAF investigation and by OLAF — Actions for damages — Action for a declaration that certain measures taken by OLAF were void and inadmissible for evidentiary purposes before the national authorities — Admissibility — Misuse of powers — Processing of personal data — Rights of the defence)

(2016/C 326/38)

Language of the case: English

Parties

Applicant: Athanassios Oikonomopoulos (Athens, Greece) (represented initially by N. Korogiannakis and I. Zarzoura, lawyers, and subsequently by G. Georgios, lawyer)

Defendant: European Commission (represented by: J. Baquero Cruz and A. Sauka, acting as Agents)

Re:

Application, first, for compensation for the damage caused by the Commission and by the European Anti-Fraud Office (OLAF) and, secondly, that certain measures taken by OLAF be declared legally void and inadmissible for evidentiary purposes before the national authorities.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Athanassios Oikonomopoulos to pay the costs, including those incurred in the proceedings for interim relief.*

([1]) OJ C 344, 23.11.2013.

Judgment of the General Court of 21 July 2016 — Bredenkamp and Others v Council and Commission

(Case T-66/14) ([1])

(Common foreign and security policy — Restrictive measures imposed on certain persons and entities in view of the situation in Zimbabwe — Freezing of funds — Non-contractual liability)

(2016/C 326/39)

Language of the case: English

Parties

Applicants: John Arnold Bredenkamp (Harare, Zimbabwe), Echo Delta (Holdings) PCC Ltd (Castletown, Isle of Man), Scottlee Holdings (Private) Ltd (Harare), Fodya (Private) Ltd (Harare) (represented by: P. Moser QC, and G. Martin, Solicitor)

Defendants: Council of the European Union (represented by: B. Driessen and E. Dumitriu-Segnana, acting as Agents) and European Commission (represented by: S. Bartelt, D. Gauci and T. Scharf, acting as Agents)

Re:

Application based on Article 268 TFEU for compensation for the loss allegedly suffered by the applicants following the adoption of Commission Regulation (EC) No 77/2009 of 26 January 2009 amending Council Regulation (EC) No 314/2004 concerning certain restrictive measures in respect of Zimbabwe (OJ 2009 L 23, p. 5), Commission Regulation (EU) No 173/2010 of 25 February 2010 amending Council Regulation (EC) No 314/2004 concerning certain restrictive measures in respect of Zimbabwe (OJ 2010 L 51, p. 13) and Commission Regulation (EU) No 174/2011 of 23 February 2011 amending Council Regulation (EC) No 314/2004 concerning certain restrictive measures in respect of Zimbabwe (OJ 2011 L 49, p. 23).

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders John Arnold Bredenkamp, Echo Delta (Holdings) PCC Ltd, Scottlee Holdings (Private) Ltd and Fodya (Private) Ltd to pay the costs of the Council of the European Union and the European Commission.*

([1]) OJ C 112, 14.4.2014.

Judgment of the General Court of 20 July 2016 — TeamBank v EUIPO — Easy Asset Management (e@sy Credit)

(Case T-745/14) ([1])

(EU trade mark — Invalidity proceedings — International registration designating the European Union — Figurative mark e@sy Credit — Earlier national figurative mark EasyCredit — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) and Article 53(1)(a) of Regulation (EC) No 207/2009)

(2016/C 326/40)

Language of the case: English

Parties

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

Defendant: European Union Intellectual Property Office (represented initially by: P. Geroulakos, and subsequently by: D. Gája, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO and intervener before the General Court: Easy Asset Management AD (Sofia, Bulgaria) (represented by: M. Georgieva-Tabakova and H. Raychev, lawyers)

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 5 September 2014 (Case R 1975/2013-1), relating to invalidity proceedings between Easy Asset Management AD and TeamBank AG Nürnberg.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders TeamBank AG Nürnberg to pay the costs.*

([1]) OJ C 7, 12.1.2015.

Judgment of the General Court of 21 July 2016 — Hassan v Council

(Case T-790/14) ([1])

(Common foreign and security policy — Restrictive measures taken against Syria — Freezing of funds — Restriction on admission — Annulment of prior measures by a judgment of the General Court — New measures including the applicant's name on the lists — Manifest error of assessment — Right to property — Proportionality — Presumption of innocence — Non-contractual liability)

(2016/C 326/41)

Language of the case: French

Parties

Applicant: Samir Hassan (Damascus, Syria) (represented by: L. Pettiti, lawyer)

Defendant: Council of the European Union (represented by: S. Kyriakopoulou and G. Étienne, acting as Agents)

Re:

First, application based on Article 263 TFEU and asking for annulment of Council Implementing Decision 2014/678/CFSP of 26 September 2014 implementing Decision 2013/255/CFSP concerning restrictive measures against Syria (OJ 2014 L 283, p. 59), of Council Implementing Regulation (EU) No 1013/2014 of 26 September 2014 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria (OJ 2014 L 283, p. 9), of Council Decision (CFSP) 2015/837 of 28 May 2015 amending Decision 2013/255/CFSP concerning restrictive measures against Syria (OJ 2015 L 132, p. 82), and of Council Implementing Regulation (EU) 2015/828 of 28 May 2015 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria (OJ 2015 L 132, p. 3), in so far as those measures concern the applicant, and, second, application based on Article 268 TFEU asking to obtain compensation for the harm which the applicant has allegedly suffered because of those measures.

Operative part of the judgment

The Court:

1) *Dismisses the action;*

2) *Orders Mr Samir Hassan to pay the costs.*

([1]) OJ C 34, 2.2.2015.

Judgment of the General Court of 21 July 2016 — Ogrodnik v EUIPO — Aviário Tropical (Tropical)

(Case T-804/14) ([1])

(EU trade mark — Invalidity proceedings — EU figurative mark Tropical — Earlier national word mark TROPICAL — Relative ground for refusal — Article 8(1)(b) and Article 53(1)(a) of Regulation (EC) No 207/2009 — Extent of the applicant's rights under national law — Coexistence of the marks — Obligation to state reasons — Article 75 of Regulation No 207/2009)

(2016/C 326/42)

Language of the case: English

Parties

Applicant: Tadeusz Ogrodnik (Chorzów, Poland) (represented by: A. von Mühlendahl and H. Hartwig, lawyers)

Defendant: European Union Intellectual Property Office (represented by: J. Garrido Otaola, acting as Agent)

Other party to the proceedings before the Board of Appeal of EUIPO: Aviário Tropical, SA (Loures, Portugal)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 22 September 2014 (Case R 1948/2013-4) relating to invalidity proceedings between Aviário Tropical and Mr Ogrodnik.

Operative part of the judgment

The Court:

1. *Annuls the decision of the Fourth Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 22 September 2014 (Case R 1948/2013-4);*

2. *Orders EUIPO to bear its own costs and to pay those incurred by Mr Tadeusz Ogrodnik.*

([1]) OJ C 65, 23.2.2015.

Judgment of the General Court of 21 July 2016 — Nutria v Commission

(Case T-832/14) ([1])

(Non-contractual liability — Refusal to extend the deadline for the withdrawal of skimmed milk powder in the context of the programme for the distribution of food aid to the most deprived persons in the European Union for the year 2010 — Sufficiently serious breach of a rule of law conferring rights on individuals)

(2016/C 326/43)

Language of the case: French

Parties

Applicant: Nutria AE Typopoiisis & Emporias Agrotikon Proïonton (Agios Konstantinos, Greece) (represented by: initially M.-J. Jacquot and subsequently K. Makaronas, lawyers)

Defendant: European Commission (represented by: J. Guillem Carrau, D. Triantafyllou, Agents)

Re:

Application under Article 268 TFEU, seeking compensation for the damage which the applicant allegedly sustained on account of the Commission's refusal to extend the deadline for the withdrawal of skimmed milk powder set in Article 3(1) of Commission Regulation (EC) No 1111/2009 of 19 November 2009 adopting the plan allocating to the Member States resources to be charged to the 2010 budget year for the supply of food from intervention stocks for the benefit of the most deprived persons in the Community and derogating from certain provisions of Regulation (EEC) No 3149/92 (OJ 2009 L 306, p. 5).

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Nutria AE Typopoiisis & Emporias Agrotikon Proïonton to bear its own costs and to pay those incurred by the European Commission.*

([1]) OJ C 81, 9.3.2015.

Judgment of the General Court of 20 July 2016 — Internet Consulting v EUIPO Provincia Autonoma di Bolzano-Alto Adige (SUEDTIROL)

(Case T-11/15) ([1])

(EU trade mark — Proceedings for a declaration of invalidity — EU word mark SUEDTIROL — Article 7 (1)(c) and Article 52(1)(a) of Regulation (EC) No 207/2009 — Absolute ground for refusal — Geographical indication of origin — Descriptive character)

(2016/C 326/44)

Language of the case: German

Parties

Applicant: Internet Consulting GmbH (Brunico, Italy) (represented by: L. Miori and A. Bertella, lawyers)

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervening before the General Court: Provincia Autonoma di Bolzano-Alto Adige (Italy) (represented by: C. Volkmann, lawyer) (Italy)

Re:

Action brought against the decision of the Grand Board of Appeal of EUIPO of 10 October 2014 (Case R 574/2013-G), relating to proceedings for a declaration of invalidity between the Provincia Autonoma di Bolzano-Alto Adige and Internet Consulting.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Internet Consulting GmbH to pay the costs.*

([1]) OJ C 73, 2.3.2015.

Judgment of the General Court of 20 July 2016 — Reisenthel v EUIPO (keep it easy)

(Case T-308/15) ([1])

(EU trade mark — Application for word mark keep it easy — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 207/2009)

(2016/C 326/45)

Language of the case: German

Parties

Applicant: Peter Reisenthel (Gilching, Germany) (represented by: E. A. Busse, lawyer)

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

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 26 March 2015 (Case R 2659/2014-5), concerning an application for registration of the word sign keep it easy as an EU trade mark.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Mr Peter Reisenthel to pay the costs.*

([1]) OJ C 270, 17.8.2015.

Judgment of the General Court of 14 July 2016 — Modas Cristal v EUIPO — Zorlu Tekstil Ürünleri Pazarlama (KRISTAL)

(Case T-345/15) ([1])

(EU trade mark — Opposition proceedings — Application for EU figurative mark KRISTAL — Earlier national word and figurative marks MODAS CRISTAL and home CRISTAL — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2016/C 326/46)

Language of the case: Spanish

Parties

Applicant: Modas Cristal, SL (Santa Lucía, Spain) (represented by: E Manresa Medina, lawyer)

Defendant: European Union Intellectual Property Office (represented by: A. Muñiz Rodríguez and A. Schifko, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO: Zorlu Tekstil Ürünleri Pazarlama Anonim Sirketi (Denizli, Turkey)

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 24 April 2015 (Case R 341/2014-5), relating to opposition proceedings between Modas Cristal and Zorlu Tekstil Ürünleri Pazarlama.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Modas Cristal, SL to pay the costs.*

([1]) OJ C 302, 14.9.2015.

Order of the General Court of 27 June 2016 — Portugal v Commission

(Case T-810/14) ([1])

(Failure to comply with a judgment of the Court establishing an infringement — Periodic penalty payment — Judgment quantifying the amount of the penalty payment — Repeal of the national legislation incompatible with EU law — Date when the infringement ceased — Annulment of an earlier decision quantifying a penalty payment imposed in compliance with the same judgment of the Court — Res judicata — Action manifestly lacking any foundation in law)

(2016/C 326/47)

Language of the case: Portuguese

Parties

Applicant: Portuguese Republic (represented by: L. Inez Fernandes, J. de Oliveira and S. Nunes de Almeida, acting as Agents)

Defendant: European Commission (represented by: G. Braga da Cruz and M. Heller, acting as Agents)

Re:

Application based on Article 263 TFEU asking for annulment of the Commission decision MARKT/A2/3523710 of 3 October 2014 quantifying the penalty payment due by the Portuguese Republic for the period between 20 and 29 January 2008, in compliance with the judgment of 10 January 2008 in *Commission* v *Portugal* (C-70/06, EU:C:2008:3).

Operative part of the order

1. *The action is dismissed as manifestly lacking any foundation in law.*

2. *The Portuguese Republic shall pay the costs.*

([1]) OJ C 65, 23.2.2015.

Order of the President of the General Court of 20 July 2016 — PTC Therapeutics International Ltd v EMA

(Case T-718/15 R)

(Application for interim measures — Access to documents — Regulation (EC) No 1049/2001 — Documents held by the EMA concerning information submitted by an undertaking as part of its application for authorisation to place a medicinal product on the market — Decision to grant a third party access to the documents — Application for suspension of operation of a measure — Urgency — Prima facie case — Weighing up of interests)

(2016/C 326/48)

Language of the case: English

Parties

Applicant: PTC Therapeutics International Ltd (Dublin, Ireland) (represented by: G. Castle, B. Kelly, H. Billson, Solicitors, M. Demetriou, QC, and C. Thomas, Barrister)

Defendant: European Medicines Agency (represented by: T. Jabłoński, A. Spina, A. Rusanov, S. Marino and N. Rampal Olmedo, Agents)

Intervener in support of the applicant: European Confederation of Pharmaceutical Entrepreneurs (Eucope) (Brussels, Belgium) (represented by: S. Cowlishaw, Solicitor, and D. Scannell, Barrister)

Re:

Application pursuant to Articles 278 TFEU and 279 TFEU for, in essence, the suspension of operation of Decision EMA/722323/2015 of the EMA of 25 November 2015, granting to a third party, pursuant to Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ 2001 L 145, p. 43), access to certain documents containing information submitted in the context of an application for marketing authorisation for the medicinal product Translarna.

Operative part of the order

1. *The operation of Decision EMA/722323/2015 of the European Medicines Agency (EMA) of 25 November 2015, granting to a third party, pursuant to Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, access to Clinical Study Report 'Ataluren (PTC124) PTC124-GD-007-DMD' on a Phase 2B efficacy and safety study of Ataluren in subjects with nonsense-mutation-mediated Duchenne and Becker muscular dystrophy, is suspended.*

2. *The EMA shall not disclose the report referred to in point 1.*

3. *Costs are reserved.*

Order of the President of the General Court of 19 July 2016 — Belgium v Commission

(Case T-131/16 R)

(Application for interim measures — State aid — Tax scheme exempting excess profits of a number of multinational companies — Exemption granted on the basis of tax rulings — Decision declaring scheme to be aid incompatible with the internal market and ordering recovery of the aid — Application for suspension of operation of a measure — No urgency)

(2016/C 326/49)

Language of the case: English

Parties

Applicant: Kingdom of Belgium (represented by: C. Pochet and J.-C. Halleux, acting as Agents, and by M. Segura Catalán and M. Clayton, lawyers)

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

Re:

APPLICATION pursuant to Articles 278 and 279 TFEU for the grant of interim measures suspending the operation of Articles 2, 3 and 4 of Commission Decision C(2015) 9887 final of 11 January 2016 on the excess profit State aid scheme SA.37667 (2015/C) (ex 2015/NN) implemented by Belgium

Operative part of the order

1) *The application for interim measures is dismissed.*

2) *The costs are reserved.*

Order of the President of the General Court of 20 July 2016 — Director-General of OLAF v Commission

(Case T-251/16 R)

(Interim measures — Law governing the institutions — Decision to waive the immunity from legal proceedings of the Director-General of OLAF — Measure liable to call into question the independence of the Director-General — Application for suspension of operation — Lack of urgency)

(2016/C 326/50)

Language of the case: French

Parties

Applicant: Director-General of the European Anti-Fraud Office (represented by: L. Jelínek, Agent, assisted by G.M. Roberti and I. Perego, lawyers)

Defendant: European Commission (represented by: K. Banks, J.-P. Keppenne and J. Baquero Cruz, Agents)

Subject matter

Application based on Articles 278 TFEU and 279 TFEU, seeking to obtain suspension of the operation of Commission Decision C(2016) 1449 final of 2 March 2016 concerning an application for waiver of immunity.

Operative part of the order

1. *The application for interim measures is dismissed.*

2. *The order of 6 June 2016 made in Case T-251/16 R is set aside.*

3. *The costs are reserved.*

Action brought on 19 July 2016 — Ms v Commission

(Case T-17/16)

(2016/C 326/51)

Language of the case: French

Parties

Applicant: Ms (Castries, France) (represented by: L. Levi and M. Vandenbussche, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— declare the present action admissible and well founded;

accordingly:

— hold that the European Commission is non-contractually liable on the basis of Article 268 TFEU and of the second paragraph of Article 340 TFEU;

— order the production of the documents declared confidential by the Commission and providing the necessary basis for the exclusion decision;

— order payment of compensation for the non-material harm resulting from the Commission's wrongful conduct, assessed *ex aequo et bono* at EUR 20 000;

— order the Commission to publish a letter of apology to the applicant and to reinstate him within Team Europe;

— order the defendant to pay all of the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging unlawful acts committed by the Commission and constituting serious breaches of a rule of law intended to confer rights on individuals, thus triggering the Commission's non-contractual responsibility. In the first place, the applicant considers that the Commission failed properly to inform him of the allegations and evidence put forward against him and did not give him the opportunity effectively to formulate his observations with respect to them before the exclusion decision was taken, contrary to Article 41 of the Charter of Fundamental Rights of the European Union, the general principles of good administration, respect for the rights of the defence and Article 16 of the European Code of Good Administrative Behaviour. In the second place, the Commission failed carefully and impartially to examine all the evidence relevant to the present case before deciding to exclude the applicant from the Team Europe network, contrary to the principle of diligence laid down in Article 41 of the Charter and to Articles 8, 9 and 11 of the Code. In doing so, the Commission also infringed the principle of the presumption of the applicant's innocence laid down in Article 48 of the Charter. In the third place, the applicant maintains that the Commission failed to provide adequate reasons for its decision, making vague and, moreover, incorrect allegations, contrary to Article 41(2) of the Charter and Article 18 of the Code. Lastly, the decision taken by the Commission is, having regard to the circumstances of the case, manifestly unfounded and disproportionate.

2. Second plea in law, alleging that the applicant suffered real and certain loss as a result of the alleged conduct of the Commission in calling into question the applicant's moral and professional integrity.

Action brought on 13 July 2016 — Sabre GLBL v EUIPO (INSTASITE)

(Case T-375/16)

(2016/C 326/52)

Language of the case: English

Parties

Applicant: Sabre GLBL, Inc. (Southlake, Texas, United States) (represented by: J. Zecher, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: EU word mark 'INSTASITE' — Application for registration No 13 882 162

Contested decision: Decision of the Second Board of Appeal of EUIPO of 27 April 2016 in Case R 1742/2015-2

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— order the defendant to pay the costs.

Plea in law

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

Action brought on 20 July 2016 — Tri-Ocean Trading/Council

(Case T-384/16)

(2016/C 326/53)

Language of the case: English

Parties

Applicant: Tri-Ocean Trading (George Town, Cayman Islands) (represented by: P. Saini, QC, R. Mehta, Barrister, and N. Sheikh, Solicitor)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

— annul, insofar as it applies to the applicant, Council Decision (CFSP) 2016/850 of 27 May 2016 amending Decision 2013/255/CFSP concerning restrictive measures against Syria (OJ 2016 L 141, p. 125),

— annul, insofar as it applies to the applicant, Council Implementing Regulation (EU) 2016/840 of 27 May 2016 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria (OJ 2016 L 141, p. 30), and

— order the Council to pay the applicant's 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 a failure to fulfil the ground for inclusion in the annex to the challenged decision and regulation as specified by Article 28(1) of Decision 2013/255/CFSP concerning restrictive measures against Syria (the 'original decision') and by Article 15(1)(a) of Council Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria (the 'original regulation').

2. Second plea in law, alleging an infringement of rights of defence and right to effective judicial protection.

3. Third plea in law, alleging that the Council has failed to comply with its obligation to state reasons, in both the challenged decision and the challenged regulation.

4. Fourth plea in law, alleging an unjustified and disproportionate restriction on the applicant's right to property and reputation.

5. Fifth plea in law, alleging a manifest error of assessment.

Action brought on 20 July 2016 — Terna v Commission

(Case T-387/16)

(2016/C 326/54)

Language of the case: Italian

Parties

Applicant: Terna — Rete elettrica nazionale SpA (Rome, Italy) (represented by: A. Police, L. Di Via, F. Degni, F. Covone and D. Carria, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— primarily, annul the decision of the European Commission — Directorate-General for Mobility and Transport (Directorate-General for Energy — SRD.3 — Financial management) of 23 May 2016 (Reference No: ENER/SRD.3/JCM/cID(2016)2952913), which merely confirms the previous measure of 6 July 2015 (Move.srd.3.dir(2015)2669621), together with the measure of the European Commission — Directorate-General for Mobility and Transport (Directorate-General for Energy — SRD.3 — Financial management) of 14 June 2016 (Reference No: SRD.3/JCM/cl/D(2016) 4477388) communicating *Debit Note* No 3 241 608 548 ordering payment of EUR 494 871,39 by 28 July 2016, annulling as a result the decision of the European Commission — Directorate-General for Mobility and Transport (Directorate-General for Energy — SRD.3 — Financial management) of 6 July 2015 (Reference No: Move.srd3.dir(2015) 2669621), in so far as that decision does not allow reimbursement of the costs incurred by Terna in connection with Projects Nos 2009-E255/09-ENER/09-TEN-E-564583 and 2007-E221/07/2007-TREN/07/TEN-E-S07.91403 and imposes an obligation to repay the sums granted in connection with those projects in the amounts set out in the table appended to the contested measure;

— in the alternative, annul the decision of the European Commission — Directorate-General for Mobility and Transport of 23 May 2016 (Reference No: ENER/SRD.3/JCM/cID (2016)2952913), together with the decision of the European Commission — Directorate-General for Mobility and Transport of 6 July 2015 (Reference No: Move.srd3.dir(2015) 2669621), in so far as that decision does not provide for a reduction in the reimbursement of the costs incurred by Terna in connection with Projects Nos 2009-E255/09-ENER/09-TEN-E-SI2.564583 and 2007-E221/07/2007-TREN/07/TEN-E-S07.91.403 commensurate with the profits made by CESI.

Pleas in law and main arguments

The measures contested in the present case merely confirm the previous determinations made by the Commission, which have already been challenged in good time by the applicant in the action pending before the General Court in Case T-544/15.

The pleas in law and main arguments are the same as those raised in that case.

Action brought on 19 July 2016 — Ayuntamiento de Madrid v Commission

(Case T-391/16)

(2016/C 326/55)

Language of the case: Spanish

Parties

Applicant: Ayuntamiento de Madrid (Spain) (represented by: F. Zunzunegui Pastor, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the General Court should:

— declare the action admissible and uphold the pleas of annulment raised in the application;

— declare Commission Regulation (EU) 2016/646 of 20 April 2016, amending Regulation (EC) No 692/2008 as regards emissions from light passenger and commercial vehicles (Euro 6), the subject of the action, null and void;

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

Pleas in law and main arguments

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

1. First plea in law, alleging that the contested regulation is null and void for lack of competence as a result of the Commission's improper use of the regulatory procedure with scrutiny.

   In that regard, it is submitted that the Commission infringed Article 5(3) of Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information (OJ 2007 L 171, p. 1).

   It is also submitted that in so far as the contested regulation establishes a European system of new, increased thresholds for NOx emissions, it alters an essential element of a basic act, as a result of which the Commission failed to observe the formal requirements provided for its adoption, thereby infringing an essential procedural requirement.

2. Second plea in law, alleging infringement of EU primary and secondary law rules and general principles of EU law

   The applicant submits that the contested regulation disregards the provisions of Article 3 TFEU, Article 11 TFEU, Article 114(3) TFEU and Article 191 TFEU and Articles 35 and 37 of the Charter of Fundamental Rights of the European Union.

   The applicant also submits that the contested regulation:

   — infringes the provisions of Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe (OJ 2008 L 152, p. 1), as regards the limitation of the maximum nitrogen-emission levels for diesel vehicles;

   — infringes Article 4 of above-mentioned Regulation No 715/2007;

   — also infringes Commission Regulation (EC) No 692/2008 of 18 July 2008 implementing and amending Regulation (EC) No 715/2007 of the European Parliament and of the Council on type-approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information (OJ 2008 L 199, p. 1).

3. Third plea in law, alleging a misuse of powers:

   — since there was objective, relevant and consistent evidence that the purpose pursued by the Commission in the contested regulation, which increased the limit values of NOx emissions from light passenger and commercial vehicles, does not accord with that expressed in EU law, nor that advocated by the Commission itself;

— because the procedure specifically prescribed by the Treaty on the Functioning of the European Union for dealing with the circumstances of the case has been circumvented. In so far as the Commission followed the regulatory procedure with scrutiny and not the ordinary legislative procedure, it infringed substantive procedural requirements in the procedure for adopting the contested regulation, which renders it invalid on the ground of a lack of competence exercised;

— lastly, because the regulation referred to is also not in the interest of the Community.

Action brought on 26 July 2016 — Axium v Parliament

(Case T-392/16)

(2016/C 326/56)

Language of the case: French

Parties

Applicant: Axium (Oberschaeffolsheim, France) (represented by: N. Deleau, lawyer)

Defendant: European Parliament

Form of order sought

The applicant claims that the Court should:

— annul the decision of 9 June 2016 by which the European Parliament took the decision to eliminate Axium's tender from the procurement procedure;

— order the European Parliament to pay Axium the sum of EUR 4 000 pursuant to Article 133 et seq. of the Rules of Procedure;

— order the European Parliament to pay all of the costs of the present proceedings.

Pleas in law and main arguments

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

1. First plea in law, alleging the formal illegality of the European Parliament's Decision D 201714 of 9 June 2016 to reject the tender submitted by the applicant in tendering procedure 06D30/2015/M064, concerning the procedure 'France-Strasbourg: Framework contract for asbestos-removal work in the European Parliament buildings in Strasbourg' (OJ 2015/S 242-438527) and of the decision to award that contract to another tenderer ('the contested decision'), in so far as the person who signed the letter sent to the applicant, containing the contested decision, did not enjoy any delegation of authority, which is necessary to allow him to engage the responsibility of the contracting authority, namely the European Parliament.

2. Second plea in law, alleging the substantive illegality of the contested decision in so far as the elimination of the applicant's tender does not comply with Article 158(3) of Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union and is, therefore, not justified.

EUROPEAN UNION CIVIL SERVICE TRIBUNAL

Judgment of the Civil Service Tribunal (2nd Chamber) of 28 June 2016 — Lorenzet v EASA

(Case F-144/15) ([1])

(Civil service — Temporary staff — Article 2(f) of the CEOS — Contract for an indefinite period — Unpaid leave — Unpaid leave on personal grounds — Refusal to extend unpaid leave for an additional year — Article 52 of the CEOS)

(2016/C 326/57)

Language of the case: French

Parties

Applicant: Andrea Lorenzet (Paris, France) (represented by: S. Orlandi and T. Martin, lawyers)

Defendant: European Aviation Safety Agency (represented by: initially, F. Manuhutu and A. Haug, Agents, D. Waelbroeck and I. Antypas, lawyers, then F. Manuhutu and A. Haug, Agents, A. Duron and C. Dekemexhe, lawyers)

Re:

Application for annulment of the European Aviation Safety Agency's decision not to extend the applicant's unpaid leave on personal grounds for an additional year.

Operative part of the judgment

The Tribunal:

1. *Dismisses the action;*

2. *Declares that Mr Andrea Lorenzet is to bear his own costs and orders him to pay the costs incurred by the European Aviation Safety Agency.*

([1]) OJ C 48, 8/2/2016, p. 102.

Order of the Civil Service Tribunal (2nd Chamber) of 14 July 2016 — Dominguez Perez v Commission

(Case F-56/14) ([1])

(Civil service — Pensions — Article 11(2) of Annex VIII to the Staff Regulations — Pension rights acquired, prior to entering the service of the EU, under a national pension scheme — Transfer to the EU pension scheme — Proposal for the crediting of pensionable years, accepted by the person concerned, based on the new general implementing provisions — Act not having an adverse effect — Legal certainty — Legitimate expectations — Equal treatment — Article 81 of the Rules of Procedure)

(2016/C 326/58)

Language of the case: French

Parties

Applicant: Dolores Dominguez Perez (Brussels, Belgium) (represented by: M. Casado García-Hirschfeld, lawyer)

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

Re:

Application for annulment of two calculation proposals relating to the transfer of the applicant's pension rights to the EU pension scheme which apply the new GIP for Articles 11 and 12 of Annex VIII to the Staff Regulations.

Operative part of the order

1. *The action is dismissed as in part manifestly inadmissible and in part manifestly unfounded.*

2. *Ms Dolores Dominguez Perez shall bear her own costs and is ordered to pay the costs incurred by the European Commission.*

([1]) OJ C 253, 4/8/2014, p. 70.

Order of the Civil Service Tribunal (1st Chamber) of 13 July 2016 — Siragusa v Council

(Case F-124/15) ([1])

(Civil service — Officials — Leaving the service — Official's application to be granted retirement — Amendment of the provisions of the Staff Regulations after the application — Alleged withdrawal of an earlier decision)

(2016/C 326/59)

Language of the case: French

Parties

Applicant Sergio Siragusa (Brussels, Belgium) (represented by: T. Bontinck and A. Guillerme, lawyers)

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

Intervener in support of the defendants: European Parliament (represented by: M. Dean and D. Nessaf, Agents)

Re:

Application for annulment of the decision not to grant the applicant's application for early retirement, in so far as it was adopted after the entry into force of the new Staff Regulations, thereby withdrawing the earlier favourable decision, and an application for damages in respect of the material and non-material harm allegedly suffered.

Operative part of the order

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

2. *Mr Sergio Siragusa shall bear his own costs and is ordered to pay the costs incurred by the Council of the European Union.*

3. *The European Parliament shall bear its own costs.*

([1]) OJ C 414, 14/12/2015, p. 42.

Action brought on 7 July 2016 — ZZ v Parliament

(Case F-34/16)

(2016/C 326/60)

Language of the case: French

Parties

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

Defendant: European Parliament

Subject-matter and description of the proceedings

Annulment of the decisions to recover the amounts which the applicant allegedly received unduly in respect of education allowance and dependent child allowance and the decisions ending her entitlement to certain allowances.

Form of order sought

— Annul the new 'received from other sources' recovery decision;

— Annul the 'end of entitlement' recovery decision, in so far as it sets the end of the applicant's entitlement to the education allowance for XX and YY as 1 July 2015 instead of 1 October 2015 and in so far as it sets the end of her entitlement to the household allowance as 1 August 2015 instead of 1 October 2015;

— Annul, if necessary, the decision rejecting the claim;

— Order the defendant to pay late-payment interest to the applicant on the amounts irregularly withheld or recovered at the rate fixed by the European Central Bank for main refinancing operations, increased by two points, with effect, in respect of each amount, from the date on which it should have been paid to her;

— Order the defendant to pay the costs.

Action brought on 11 July 2016 — ZZ v Commission

(Case F-35/16)

(2016/C 326/61)

Language of the case: English

Parties

Applicant: ZZ (represented by: N. Flandin and S. Rodrigues, lawyers)

Defendant: European Commission

Subject-matter and description of the proceedings

Annulment of the decision refusing to classify the applicant in a grade which would, in her view, correspond to her professional experience.

Form of order sought

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

— order the defendant to pay the costs.

Order of the Civil Service Tribunal of 11 June 2016 — FF v EASA

(Case F-6/15) ([1])

(2016/C 326/62)

Language of the case: English

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

([1]) OJ C 107, 30.3.2015.

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