

**Appeal brought on 3 January 2011 by Gerhard Birkhoff against the judgment of the Civil Service Tribunal delivered on 27 October 2010 in Case F-60/09, Birkhoff v Commission**

(Case T-10/11 P)

(2011/C 55/60)

*Language of the case: Italian*

**Parties**

*Appellant:* Gerhard Birkhoff (Weitnau, Germany) (represented by C. Inzillo, lawyer)

*Other party to the proceedings:* European Commission

**Form of order sought by the appellant**

- Annul the contested decision
- Order the Commission to pay the costs of both sets of proceedings

**Pleas in law and main arguments**

This case seeks to have set aside the judgment of the Civil Service Tribunal in Case F-60/09 *Birkhoff v Commission* by which the Tribunal dismissed the action against the decision of the defendant refusing to extend the payment of the dependent child allowance which the appellant has received for his disabled daughter since 1978.

The appellant relies on seven pleas in law in support of his appeal:

- The first plea alleges breach of the rules of the Staff Regulations of Officials of the European Communities and of the principles of legal certainty and equal treatment.
- The second plea alleges an error of law in the finding that the applicant put forward a single plea in the application initiating proceedings (Article 2(5) of Annex VII to the Staff Regulations), thus limiting the claims which should, in fact, have included the misapplication of the legislation and related provisions in the area at issue.
- The third plea alleges an error of law, failure to state reasons and breach of Community law in that the Court of First Instance decided the dispute on the basis of analogy and in the complete absence of any certain legal criterion and/or rule of reference.

- The fourth plea alleges an error of law and omission and failure to state reasons in the assessment of the evidence adduced by the applicant in support of his arguments.
- The fifth plea alleges failure to respect the general and inviolable principles of equality between individuals and manifest lack of foundation for the application and interpretation of the relevant legislation and/or directives for the case at issue.
- The sixth plea alleges lack of competence, failure to state reasons and misuse of powers as regards the decision regarding deductible expenses wholly or partly attributable to the illness of the member of the applicant's family, made by the Tribunal on the basis of an opinion of the medical officer of the Joint Sickness Insurance Scheme rather than of the administration.
- The seventh plea alleges failure to state reasons regarding various key points of the judgment under appeal raised by the applicant and not considered by the Tribunal.

---

**Order of the General Court of 10 January 2011 — Coedo Suárez v Council**

(Case T-3/08) <sup>(1)</sup>

(2011/C 55/61)

*Language of the case: French*

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

---

<sup>(1)</sup> OJ C 64, 8.3.2008.

---

**Order of the General Court of 16 December 2010 — FIFA v OHIM — Ferrero (WORLD CUP 2006 and Others)**

(Joined Cases T-444/08 to T-448/08) <sup>(1)</sup>

(2011/C 55/62)

*Language of the case: English*

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

---

<sup>(1)</sup> OJ C 313, 6.12.2008.

---