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(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Request for a preliminary ruling from the Upravno sodišče Republike Slovenije (Slovenia) lodged on 4 March 2015 — Občina Gorje v Republic of Slovenia

(Case C-111/15)

(2015/C 245/02)

Language of the case: Slovenian

Referring court

Upravno sodišče Republike Slovenije

Parties to the main proceedings

Applicant: Občina Gorje

Defendant: Republic of Slovenia

Questions referred

1. Must Regulation No 1698/2005[/EC] ([1]), in particular Article 71(3) thereof, pursuant to which the rules on eligibility of expenditure are to be set at national level, subject to the special conditions laid down by that regulation for certain rural development measures, be interpreted as precluding the national legislation set out in Article 79(4) of [the Decree on measures implementing Axes 1, 3 and 4 of the Rural Development Programme of the Republic of Slovenia for the period 2007-2013, in the years 2010 to 2013 ('the RDP Decree')] and in point 3 of Section VI of the invitation to tender, pursuant to which only expenses incurred after the date of adoption of the decision on the right to obtain funding (until the end of the investment period or, at the latest, 30 June 2015) constitute eligible investment expenditure?

2. If the answer to the first question is in the negative, must Regulation No 1698/2005, in particular Article 71(3) thereof, be interpreted as precluding the national legislation set out in Article 56(4) of the Zakon o kmetijstvu (Law on agriculture), in accordance with which any claim that does not meet the requirements of Article 79(4) of the RDP Decree on eligible investment expenditure incurred after the date of adoption of the decision [on the right to obtain funding] must be rejected in its entirety?

([1]) Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), OJ 2005 L 277, p. 1.

Request for a preliminary ruling from the Tribunale Civile di Roma (Italy) lodged on 13 April 2015 — X v Presidenza del Consiglio dei Ministri

(Case C-167/15)

(2015/C 245/03)

Language of the case: Italian

Referring court

Tribunale Civile di Roma

Parties to the main proceedings

Applicant: X

Defendant: Presidenza del Consiglio dei Ministri

Questions referred

1. Must Directive 2004/80/EC ([1]) (Article 12(2)) be interpreted as precluding national implementing legislation which refers, with regard to the payment of compensation chargeable to the State, to special legal provisions in favour of victims of crime, but does not grant to victims of ordinary violent crimes access to a substantive system of compensation of general scope and governs only procedural aspects, in cross-border cases, of access to that system?

2. Must Directive 2004/80/EC (Article 12(2)) therefore be interpreted as requiring a substantive system of protection of general scope, provided by the State, or in any event laying down a minimum level of such protection and, if that is so, what are the criteria for determining that level?

([1]) Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims (OJ 2004 L 261, p. 15).

Request for a preliminary ruling from the Okresný súd Prešov (Slovakia) lodged on 14 April 2015 — Milena Tomášová v Slovenská republika — Ministerstvo spravodlivosti SR, Pohotovosť, s.r.o.

(Case C-168/15)

(2015/C 245/04)

Language of the case: Slovak

Referring court

Okresný súd Prešov

Parties to the main proceedings

Applicant: Milena Tomášová

Defendants: Slovenská republika — Ministerstvo spravodlivosti SR,

Pohotovosť, s.r.o.

Intervener in support of the applicant: Združenie na ochranu spotrebiteľa HOOS

Questions referred

1. Is there a serious breach of EU law if, in an enforcement procedure carried out on the basis of an arbitration award, performance of an unfair term is enforced, contrary to the case-law of the Court of Justice of the European Union?

2. May liability of a Member State for a breach of Community law arise before a party to proceedings has used all legal remedies available in the legal order of the Member State in proceedings for enforcement of an award? In the light of the facts of the case, may that liability of a Member State arise in the present case before the actual conclusion of the proceedings for enforcement of the award and before exhaustion of the applicant's possibility of requiring an account for unjust enrichment?

3. If so, is the conduct of an authority as described by the applicant, in the light of the particular facts and in particular of the absolute inactivity of the applicant and the non-exhaustion of all legal remedies made available by the law of the Member State, a sufficiently clear and serious breach of Community law?

4. If there is a sufficiently serious breach of Community law in the present case, does the sum claimed by the applicant represent damage for which the Member State is liable? Is it possible for the damage as so understood to be equated with the debt collected which constitutes unjust enrichment?

5. Does accounting for unjust enrichment, as a legal remedy, have priority over compensation for damage?

Request for a preliminary ruling from the Sąd Rejonowy we Wrocławiu (Poland) lodged on 20 April 2015 — Alicja Sobczyszyn v Szkoła Podstawowa w Rzeplinie

(Case C-178/15)

(2015/C 245/05)

Language of the case: Polish

Referring court

Sąd Rejonowy we Wrocławiu

Parties to the main proceedings

Applicant: Alicja Sobczyszyn

Defendant: Szkoła Podstawowa w Rzeplinie

Question referred

Must Article 7 of 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 [1], according to which Member States are to take the measures necessary to ensure that every worker is entitled to paid annual leave of at least four weeks in accordance with the conditions for entitlement to, and granting of, such leave laid down by national legislation and/or practice, be interpreted as meaning that a teacher who has taken convalescence leave as provided for in the Law of 26 January 1982 — Teachers' Charter (Karta Nauczyciela) (Dz. U. 2014 headings 191 and 1198) also obtains a right to the annual leave provided for in the general provisions of labour law in the year in which he exercised the right to convalescence leave?

[1] OJ 2003 L 299, p. 9.

Request for a preliminary ruling from the Verwaltungsgericht Düsseldorf (Germany) lodged on 24 April 2015 — Joachim Pöpperl v Land Nordrhein-Westfalen

(Case C-187/15)

(2015/C 245/06)

Language of the case: German

Referring court

Verwaltungsgericht Düsseldorf

Parties to the main proceedings

Applicant: Joachim Pöpperl

Defendant: Land Nordrhein-Westfalen

Questions referred

1. Is Article 45 TFEU to be interpreted as precluding a national law according to which a person employed as a civil servant in a Member State loses his expectancies concerning a retirement pension (civil servant benefits) arising from employment as a civil servant because, in order to take up employment in another Member State, that person was released from the civil service at his own wish, when at the same time national law provides that that person is insured retrospectively in the statutory pension scheme on the basis of the gross salary received as a civil servant, although the resulting pension rights are less than the lost retirement pension expectancies?

2. If the reply to the first question is in the affirmative for all or some civil servants, is Article 45 TFEU to be interpreted as meaning that, in the absence of other national provisions, the earlier appointing body of the civil servant in question has to pay the civil servant either the amount of retirement pension on the basis of the period of pensionable service in the earlier civil service post, reduced by the amount of pension rights arising from the retrospective insurance, or to compensate him financially in some other way for the loss of the retirement pension, although under national law only the civil servant benefits provided for by that law may be granted?

Request for a preliminary ruling from the Commissione Tributaria Provinciale di Torino (Italy) lodged on 28 April 2015 — Véronique Baudinet and Others v Agenzia delle Entrate — Direzione Provinciale I di Torino

(Case C-194/15)

(2015/C 245/07)

Language of the case: Italian

Referring court

Commissione Tributaria Provinciale di Torino

Parties to the main proceedings

Applicants: Véronique Baudinet, Adrien Boyer, Pauline Boyer, Edouard Boyer

Defendant: Agenzia delle Entrate — Direzione Provinciale I di Torino

Question referred

Do Articles 63 and 65 of the Treaty on the Functioning of the European Union preclude legislation of a Member State under which, when a resident of that State, a shareholder in a company established in another Member State, receives dividends taxed in both States, that double taxation is not remedied by the grant in the State of residence of a tax credit at least equal to the amount of tax paid in the State of the distributing company?

Request for a preliminary ruling from the Judecătoria Sibiu (Romania) lodged on 30 April 2015 — Direcția Generală Regională a Finanțelor Publice (DGRFP) Brașov v Vasile Toma, Biroul Executorului Judecătoresc Horațiu-Vasile Cruduleci

(Case C-205/15)

(2015/C 245/08)

Language of the case: Romanian

Referring court

Judecătoria Sibiu

Parties to the main proceedings

Applicant: Direcția Generală Regională a Finanțelor Publice (DGRFP) Brașov

Defendants: Vasile Toma, Biroul Executorului Judecătoresc Horațiu-Vasile Cruduleci

Question referred

On a proper construction of Article 4(3) TEU and Articles 20, 21 and 47 of the Charter of Fundamental Rights of the European Union, do those provisions preclude legislation such as Article 16 of the [Romanian] Constitution and Article 30 of Government Emergency Order No 80/2103, which enshrines the principle of equality before the law only as between citizens as natural persons and not between citizens as natural persons and legal persons governed by public law, and which, a priori, exempts legal persons governed by public law from the requirement to pay stamping fees and to lodge a security in order to gain access to justice, whilst making access to justice by natural persons conditional upon payment of stamping fees/the lodging of a security?

Appeal brought on 8 May 2015 by Orange, formerly France Télécom, against the judgment delivered by the General Court (Ninth Chamber) on 26 February 2015 in Case T-385/12 Orange v Commission

(Case C-211/15 P)

(2015/C 245/09)

Language of the case: French

Parties

Appellant: Orange, formerly France Télécom (represented by: S. Hautbourg and S. Cochard-Quesson, avocats)

Other party to the proceedings: European Commission

Form of order sought

The applicant claims that the Court should:

— set aside the judgment under appeal;

— give final judgment on the substance of the matter in accordance with Article 61 of the Statute of the Court and grant the order sought by Orange at first instance;

— in the alternative, refer the case back to the General Court for judgment;

— order the Commission to pay the costs.

Pleas in law and main arguments

In support of its appeal, the appellant relies on several grounds of appeal.

In the first place, it is alleged that the General Court erred in law in finding that the criteria for finding that there was State aid within the meaning of Article 107(1) TFEU had been satisfied. First, the General Court erred in law in considering that Orange had benefited from an advantage, despite the fact that the measure aimed to remove the structural disadvantage which resulted from the continued application of the provision laid down by the Law of 1990 and aimed to enable there to be full competition in the context of the complete liberalisation of the telecommunications markets. Second, the appellant also complains that the General Court erred in law in concluding that, in order to uphold the selective character of the contested measure, it was not necessary in the circumstances of the case to ascertain whether that measure might differentiate between operators in a factually and legally comparable situation, despite the fact that, in the circumstances of the case, no other undertaking could have been included in the framework of reference decided upon by the Commission. Third, the General Court failed to comply with the duty to state the reasons for its decision and erred in law in not proceeding to assess any of the arguments submitted by the appellant for considering the measure to be incapable of distorting or threatening to distort competition within the meaning of Article 107(1) TFEU.

In the second place, it is alleged that the General Court erred in law when adopting the Commission's analysis with regard to the compatibility of the measure at issue. First, the General Court failed to comply with the duty to state the reasons for its decision and distorted the facts in concluding that Article 30 of the Law of 1996, as amended, did not make any provision concerning the purpose of the exceptional lump-sum contribution and in concluding that that article does not therefore exclude the Commission's conclusion according to which the exceptional lump-sum contribution did not constitute a social charge for the undertaking. Second, the General Court is alleged to have failed to comply with the duty to state the reasons for its decision when it adopted the Commission's assessment of the facts and merely stated that the precedent established in the 'La Poste' case was not applicable to that of France Télécom (Orange).

Lastly, the appellant considers that the General Court erred in law in its assessment of the period in which the aid defined by the decision was neutralised by the exceptional lump-sum contribution. In particular, the General court distorted the facts and substituted its own reasoning for that of contested decision when it affirmed that the discontinuance of the charges of compensation and over-compensation formed part of the aid defined in Article 1 of the contested decision.

Appeal brought on 8 May 2015 by the European Commission against the judgment of the General Court (Second Chamber) of 27 February 2015 in Case T-188/12 Patrick Breyer v European Commission

(Case C-213/15 P)

(2015/C 245/10)

Language of the case: German

Parties

Appellant: European Commission (represented by: P. Van Nuffel and H. Krämer, acting as Agents)

Other parties to the proceedings: Patrick Breyer, Republic of Finland, Kingdom of Sweden

Form of order sought

The appellant claims that the Court should:

— set aside the judgment under appeal;

— give final judgment in the matter and dismiss the action;

— order the applicant to pay the costs.

Pleas in law and main arguments

By its appeal, the European Commission claims that the Court should set aside the judgment of the General Court of 27 February 2015 in *Breyer* v *Commission*, Case T-188/12, in so far as the General Court annulled the Commission's decision of 3 April 2012, by which the Commission had refused to grant the applicant full access to documents concerning the Republic of Austria's transposition of Directive 2006/24 ([1]) and to documents concerning the case which had given rise to the judgment of 29 July 2010 in *Commission* v *Austria* ([2]) in so far as the decision had refused access to the written submissions lodged by the Republic of Austria in the course of that case.

The applicant had founded his action for annulment *inter alia* of the contested decision on a single ground by which, in substance, he had complained of an infringement of Article 2(3) of Regulation No 1049/2001 ([3]). The General Court annulled the contested decision in so far as by that decision access was refused to the written submissions lodged by the Republic of Austria in the course of that case. With regard to the ground on which the action had been founded, the General Court stated, in essence, that the written submissions at issue were documents within the meaning of Article 2(3) read in conjunction with Article 3(a) of Regulation No 1049/2001, and consequently fell within the scope of application of that regulation, and that subparagraph 4 of Article 15 (3) TFEU does not preclude the application of Regulation No 1049/2001 to the written submissions at issue on the basis of their special nature.

The Commission founds its appeal on a single point of law by which it complains of the interpretation of Article 15(3) TFEU on which the General Court based its conclusion that that provision did not preclude the application of Regulation No 1049/2001 to the written submissions at issue on the basis of their special nature.

([1]) Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC (OJ 2006 L 105, p. 54).

([2]) C-189/09, EU:C:2010:455.

([3]) 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).

Request a preliminary ruling from the Tribunale di Santa Maria Capua Vetere (Italy) of 11 May 2015 — Criminal proceedings against Massimo Orsi

(Case C-217/15)

(2015/C 245/11)

Language of the case: Italian

Referring court

Tribunale di Santa Maria Capua Vetere

Party to the main proceedings

Massimo Orsi

Questione pregiudiziale

On a proper construction of Article 4 of [Protocol No 7 to the European Convention on the Protection of Human Rights and Fundamental Freedoms] and Article 50 [of the Charter of Fundamental Rights of the European Union], is the provision made under Article 10b of Legislative Decree No 74/00 consistent with Community law, in so far as it permits the criminal liability of a person to whom a final assessment by the tax authorities of the State has already been issued imposing an administrative penalty in the sum of 30 % of the unpaid amount to be assessed in respect of the same act or omission (non-payment of VAT)?

Request for a preliminary ruling from the Pécsi Törvényszék (Hungary) lodged on 15 May 2015 — Hőszig Kft. v Alstom Power Thermal Services

(Case C-222/15)

(2015/C 245/12)

Language of the case: Hungarian

Referring court

Pécsi Törvényszék

Parties to the main proceedings

Applicant: Hőszig Kft.

Defendant: Alstom Power Thermal Services

Questions referred

I. With regard to Regulation (EC) No 593/2008 ([1]) of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) ('Regulation No 593/2008'):

1. May a court or tribunal of a Member State interpret the expression 'it appears from the circumstances' used in Article 10(2) of Regulation No 593/2008 as meaning that the examination of 'the circumstances which must be taken into consideration' in order to determine whether it is reasonable to find that a party did not consent, under the law of the State in which the party has his habitual residence, must cover the circumstances of the conclusion of the contract, the subject-matter of the contract and the performance of the contract?

1.1 Must the effect referred to in Article 10(2) resulting from the situation described in the preceding paragraph 1 be interpreted as meaning that when, as a result of the reference made [to the law of the country of habitual residence] by a party, it appears from the circumstances that consent to the law applicable pursuant to paragraph 1 was not a reasonable effect of that party's conduct, the court must determine the existence and validity of the contractual clause pursuant to the law of the country of habitual residence of the party who made the reference?

2. May the court of that Member State interpret Article 10(2) of Regulation No 593/2008 as meaning that the court has a discretion — having regard to all the circumstances of the case — if, in the light of the circumstances to be taken into consideration, consent to the law applicable under Article 10(1) was not a reasonable effect of the party's conduct?

3. If a party — under Article 10(2) of Regulation No 593/2008 — refers to the law of the country in which he has his habitual residence in order to establish that he did not consent, must the court of a Member State take into account the law of the country of habitual residence of that party in the sense that, by virtue of the law of that country, because of the 'circumstances' mentioned, the consent of that party to the law chosen in the contract was not reasonable conduct?

3.1 In that case, is an interpretation by a court of a Member State contrary to EU law if, according to that interpretation, the examination of the 'circumstances' in order to determine whether it is reasonable to find that a party did not consent covers the circumstances of the conclusion of the contract, the subject-matter of the contract and the performance of the contract?

II. With regard to Council Regulation (EC) No 44/2001 ([2]) of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters:

1. Is the interpretation of a court of a Member State contrary to Article 23(1) of Regulation No 44/2001 if, according to it, a specific court must be designated or — having regard to the content of recital 14 in the preamble to that Regulation — is it sufficient if the wish or intention of the parties can be deduced unequivocally from the wording?

1.1 Is the interpretation of a court of a Member State consistent with Article 23(1) of Regulation No 44/2001 if, according to it, a clause conferring jurisdiction, included in the standard contract terms of one of the parties, under which the parties stipulate that disputes arising from or connected with the validity, performance or termination of the order which cannot be settled amicably between the parties are to be subject to the exclusive and final jurisdiction of the courts of a city of a specific Member State — specifically, the courts of Paris — is sufficiently precise, given that the wish or intention of the parties in relation to the designated Member State can be deduced unequivocally from its wording — having regard to the content of recital 14 in the preamble to the Regulation?

([1]) OJ 2008 L 177, p. 6.
([2]) OJ 2001 L 12, p. 1.

Reference for a preliminary ruling from the Tribunale di Catania (Italy) lodged on 19 May 2015 — Criminal proceedings against Snezhana Velikova

(Case C-228/15)

(2015/C 245/13)

Language of the case: Italian

Referring court

Tribunale di Catania

Party to the main proceedings

Snezhana Velikova

Question referred

Are Articles 20 and 21 of [Legislative Decree No 30 of 6 February 2007] and [subsequent amendments] implementing Directive 2004/38/EC ([1]) contrary to [European Union] law?

([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 the Administratīvā apgabaltiesa (Latvia) lodged on 21 May 2015 — SIA 'Oniors Bio' v Valsts ieņēmumu dienests

(Case C-233/15)

(2015/C 245/14)

Language of the case: Latvian

Referring court

Administratīvā apgabaltiesa

Parties to the main proceedings

Applicant: SIA 'Oniors Bio'

Defendant: Valsts ieņēmumu dienests

Questions referred

1) Is it the case that certain products in relation to which the results of an examination of samples taken from various batches of goods do not disclose the presence of denaturing agents or of other noxious substances rendering them unfit for human consumption but which, according to the information supplied by the producer, cannot be used for food (food production and food chain) since, owing to the characteristics of the production process, *the presence of noxious substances in the product cannot be ruled out*, must be generally classified under one of the CN headings of Annex I to Council Regulation (EEC) No 2658/87 ([1]) on the tariff and statistical nomenclature and on the Common Customs Tariff, which are intended to cover *non-food products* or, on the contrary, must such products be generally classified under one of the CN headings intended to cover *food products*?

2) To what criteria must greater importance be attributed in interpreting the terms '*food product*' and '*non-food product*' for the purposes of applying the CN headings in Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff and for the purposes of classifying the goods?

3) May the intended use of the product constitute an objective criterion for classification for the purposes of applying the CN headings in Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff and for the purposes of classifying the goods?

4) May the opinion of the competent authority of a Member State of the European Union, according to which, under the provisions of EU law and the law of the Member States regarding food, the goods imported by the appellant cannot be used in the food chain, since they are unfit for human consumption, be relied on as a criterion for classification of the goods, in interpreting the term '*non-food product*' for the purposes of applying the CN headings in Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff and for the purposes of classifying the goods?

5) May the information provided by the producer on the technical process for production of the goods, according to which *the presence of noxious substances in the product cannot be ruled out*, be used as a criterion for classification of the goods, in interpreting the term '*non-food product*' for the purposes of applying the CN headings in Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff and for the purposes of classifying the goods?

6) What physical and chemical properties of the goods to be classified are most important for the purposes of the correct interpretation and application of headings CN 1518 00 31 and CN 1517 90 91 of Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff?

7) Must heading CN 1518 00 31 of Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff be generally applied to goods having physical and chemical properties like those being considered in the present case?

(1) Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ 1987 L 256, p. 1).

Request for a preliminary ruling from the Curtea de Apel Cluj — Secția penală și de minori (Romania) lodged on 25 May 2015 — Criminal proceedings against Niculaie Aurel Bob-Dogi

(Case C-241/15)

(2015/C 245/15)

Language of the case: Romanian

Referring court

Curtea de Apel Cluj — Secția penală și de minori

Party to the main proceedings

Niculaie Aurel Bob-Dogi

Questions referred

1) For the purposes of the application of Article 8(1)(c) of the Framework Decision [2002/584/JHA] (1), must the expression 'the existence of an ... arrest warrant' be understood to refer to a national — domestic — arrest warrant issued in accordance with the criminal procedural rules of the issuing Member State, and therefore distinct from the European arrest warrant?

2) If the first question is answered in the affirmative, may the non-existence of a national — domestic — arrest warrant constitute an implied reason for non-execution of the European arrest warrant?

(1) Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ 2002 L 190, p. 1).

Request for a preliminary ruling from the Østre Landsret (Denmark) lodged on 28 May 2015 — Wind 1014 GmbH, Kurt Daell v Skatteministeriet

(Case C-249/15)

(2015/C 245/16)

Language of the case: Danish

Referring court

Østre Landsret

Parties to the main proceedings

Applicant: Wind 1014 GmbH, Kurt Daell

Defendant: Skatteministeriet

Questions referred

1) Is it consistent with EU law, including Article 56 TFEU, that a vehicle covered by a leasing agreement between a leasing company domiciled in one Member State and a lessee resident or domiciled in another Member State (please see question 2 below) basically cannot begin being used on the roads of the latter Member State while the authorities process an application for permission to pay proportionate registration tax on that vehicle in respect of the period for which it is desired to use the vehicle in that Member State?

2) Is it compatible with EU law, including Article 56 TFEU, that a national measure serving as a prerequisite for the registration/proportionate adjustment of tax on a vehicle for only temporary, not permanent, use requires prior approval or means that:

   (i) the authorities require full payment of Danish registration tax as a prerequisite for immediate use, and that the difference between the full amount of tax and the proportionate amount of tax that has been calculated is to be repaid with interest if permission is subsequently given; and/or that

   (ii) the authorities require full payment of the registration tax as a prerequisite for immediate use, and this is not adjusted, and the surplus is not repaid when temporary use ceases, in the event that permission is not given?

GENERAL COURT

Judgment of the General Court of 12 June 2015 — Health Food Manufacturers' Association and Others v Commission

(Case T-296/12) ([1])

(Consumer protection — Regulation (EU) No 432/2012 — Health claims made on foods — Actions for annulment — Regulatory act not entailing implementing measures — Whether directly concerned — Admissibility — Infringement of Articles 13 and 28 of Regulation (EC) No 1924/2006 — Principle of good administration — Non-discrimination — Incorrect assessment criteria — Regulation No 1924/2006 — Plea of illegality — Right to be heard — Legal certainty — Unreasonable transition period — List of claims on hold)

(2015/C 245/17)

Language of the case: English

Parties

Applicants: The Health Food Manufacturers' Association (East Molesey, United Kingdom); Quest Vitamins Ltd (Birmingham, United Kingdom); Natures Aid Ltd (Kirkham, United Kingdom); Natuur-& gezondheidsProducten Nederland (Ermelo, Netherlands); and New Care Supplements BV (Oisterwijk, Netherlands) (represented by: B. Kelly and G. Castle, Solicitors, and P. Bogaert, lawyer)

Defendant: European Commission (represented by: L. Flynn and S. Grünheid, acting as Agents)

Interveners in support of the applicants: FederSalus (Rome, Italy); Medestea biotech SpA (Turin, Italy); and Naturando Srl (Osio Sotto, Italy) (represented by: E. Valenti and D. Letizia, lawyers)

Interveners in support of the defendant: French Republic (represented: initially by D. Colas and S. Menez, and subsequently by D. Colas and S. Ghiandoni, acting as Agents); European Parliament (represented by: J. Rodrigues and L. Visaggio, acting as Agents); Council of the European Union (represented by: I. Šulce and M. Moore, acting as Agents); and Bureau européen des unions de consommateurs (BEUC) (Brussels, Belgium) (represented by: S. Pappas, lawyer)

Re:

Action for annulment of 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 (OJ 2012 L 136, p. 1), and the alleged decision of the Commission adopting a list of 'on-hold' health claims.

Operative part of the judgment

The Court:

1) *Dismisses the action;*

2) *Orders The Health Food Manufacturers' Association, Quest Vitamins Ltd, Natures Aid Ltd, Natuur-& gezondheidsProducten Nederland and New Care Supplements BV to bear their own costs and those incurred by the European Commission;*

3) *Orders the French Republic, the European Parliament, the Council of the European Union, the Bureau européen des unions de consommateurs (BEUC), FederSalus, Medestea biotech SpA and Naturando Srl to bear their own costs.*

([1]) OJ C 250, 18.8.2012.

Judgment of the General Court of 12 June 2015 — Plantavis and NEM v Commission and EFSA

(Case T-334/12) ([1])

(Consumer protection — Health claims made on foods — Regulation (EU) No 432/2012 — Action for annulment — Regulatory act not entailing implementing measures — Direct concern — Admissibility — Regulation (EC) No 1924/2006 — Plea of illegality — Register of health claims)

(2015/C 245/18)

Language of the case: German

Parties

Applicants: Plantavis GmbH (Berlin, Germany); and NEM, Verband mittelständischer europäischer Hersteller und Distributoren von Nahrungsergänzungsmitteln & Gesundheitsprodukten eV (Laudert, Germany) (represented by: T. Büttner, lawyer)

Defendants: European Commission (represented by: L. Pignataro-Nolin and S. Grünheid, acting as Agents); and European Food Safety Authority (EFSA) (represented by: D. Detken, acting as Agent, and by R. Van der Hout and A. Köhler, lawyers)

Intervener in support of the defendant European Commission: European Parliament (represented by: J. Rodrigues and P. Schonard, acting as Agents)

Intervener in support of the defendants, European Commission and EFSA: Council of the European Union (represented by: M. Simm and I. Šulce, acting as Agents)

Re:

Application for annulment, first, of 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 (OJ 2006 L 404, p. 9), and, secondly, of 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 (OJ 2012 L 136, p. 1), and of the Register of nutrition and health claims made on food, published on the website of the Commission.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Plantavis GmbH and NEM, Verband mittelständischer europäischer Hersteller und Distributoren von Nahrungsergänzungsmitteln & Gesundheitsprodukten eV to bear their own costs and, in addition, to pay the costs incurred by the European Commission and the European Food Safety Authority (EFSA);*

3. *Orders the Council of the European Union and the European Parliament to bear their own costs.*

([1]) OJ C 311, 13.10.2012.

Judgment of the General Court of 11 June 2015 — McCullough v Cedefop

(Case T-496/13) ([1])

(Access to documents — Regulation (EC) No 1049/2001 — Documents relating to the award of public contracts and the conclusion of the ensuing contracts — Request seeking the production of documents in the context of criminal proceedings — Refusal of access — Exception relating to the protection of privacy and the integrity of the individual — Exception relating to the protection of the decision-making process)

(2015/C 245/19)

Language of the case: English

Parties

Applicant: Colin Boyd McCullough (Thessalonica, Greece) (represented by: G. Matsos, lawyer)

Defendant: European Centre for the Development of Vocational Training (Cedefop) (represented: initially by C. Lettmayr, acting as Agent, then by M. Fuchs, acting as Agent, and, initially, E. Petritsi, lawyer, then E. Petritsi and E. Roussou, then E. Roussou and P. Anestis, lawyers, and, lastly, P. Anestis)

Re:

Application for annulment of Cedefop's decision of 15 July 2013 refusing access to the minutes of its Governing Board, those of its Bureau and those of the 'Knowledge Management System' Steering Group for the period from 1 January 2002 to 31 December 2005; for an order that Cedefop supply the requested documents and a request to authorise, pursuant to Article 16 of Regulation (EEC) No 337/75 of the Council of 10 February 1975 establishing a European Centre for the Development of Vocational Training (OJ 1975 L 39, p. 1), and to Article 1 of the Protocol on the Privileges and Immunities of the European Union, the Greek national authorities to enter the premises and buildings of Cedefop, in accordance with the applicable Greek legislation, to investigate, search and confiscate in those premises and buildings, in order to obtain the requested documents and to investigate possible offences.

Operative part of the judgment

The Court:

1) *Annuls the decision of the European Centre for the Development of Vocational Training (Cedefop) of 15 July 2013 refusing access to the minutes of its Governing Board, of its Bureau and of the 'Knowledge Management System' Steering Group for the period 1 January 2002 to 31 December 2005 in so far as that decision refuses access to the minutes of the Governing Board and the Bureau, except as regards access to the surnames of the members of the Governing Board and the Bureau;*

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

3) *Declares that Cedefop shall bear its own costs and orders it to pay three quarters of the costs incurred by Mr Colin Boyd McCullough;*

4) *Declares that Mr McCullough shall bear one quarter of his own costs.*

([1]) OJ C 344, 23.11.2013.

Judgment of the General Court of 11 June 2015 — Laboratoires CTRS v Commission

(Case T-452/14) ([1])

(Medicinal products for human use — Orphan medicinal products — Marketing authorisation for the medicinal product Cholic Acid FGK (renamed Kolbam) — Therapeutic indications — Market exclusivity — Article 8(1) of Regulation (EC) No 141/2000)

(2015/C 245/20)

Language of the case: English

Parties

Applicant: Laboratoires CTRS (Boulogne-Billancourt, France) (represented by: K. Bacon, Barrister, M. Utges Manley and M. Vickers, Solicitors)

Defendant: European Commission (represented by: E. White, P. Mihaylova and A. Sipos, acting as Agents)

Re:

Application for annulment in part of Commission Implementing Decision C(2014) 2375 of 4 April 2014 granting, in exceptional circumstances, marketing authorisation under Regulation (EC) No 726/2004 of the European Parliament and of the Council for 'Cholic Acid FGK — cholic acid', an orphan medicinal product for human use, as amended by Commission Implementing Decision C(2014) 6508 of 11 September 2014 transferring and amending the marketing authorisation granted in exceptional circumstances by Decision C(2014) 2375 for 'Kolbam — cholic acid', an orphan medicinal product for human use, in so far as that decision in substance indicates that that medicinal product is authorised for the therapeutic indications for Orphacol or, in the alternative, for annulment of Article 1 of that decision.

Operative part of the judgment

The Court:

1. *Annuls Commission Implementing Decision C(2014) 2375 of 4 April 2014 granting, in exceptional circumstances, marketing authorisation under Regulation (EC) No 726/2004 of the European Parliament and of the Council for 'Cholic Acid FGK — cholic acid', an orphan medicinal product for human use, as amended by Commission Implementing Decision C(2014) 6508 of 11 September 2014 transferring and amending the marketing authorisation granted in exceptional circumstances by Decision C (2014) 2375 for 'Kolbam — cholic acid', an orphan medicinal product for human use;*

2. *Orders the European Commission to bear its own costs and to pay those of Laboratoires CTRS;*

3. *Orders ASK Pharmaceuticals GmbH to bear its own costs.*

([1]) OJ C 253, 4.8.2014.

Order of the General Court of 22 May 2015 — Wirschaftsvereinigung Stahl and Others v Commission

(Case T-285/14) ([1])

(State aid — Measures adopted by Germany in favour of electricity produced from renewable energy sources and energy-intensive undertakings — Decision to initiate the procedure provided for in Article 108 (2) TFEU — Adoption of the final decision after bringing the action — No need to adjudicate — Action for annulment — Application to amend the form of order sought — No new factors — Inadmissibility)

(2015/C 245/21)

Language of the case: German

Parties

Applicants: Wirschaftsvereinigung Stahl (Düsseldorf, Germany) and the other applicants whose names appear in the annex to the order (represented initially by: A. Reuter, C. Arhold, N. Wimmer, F.-A. Wesche, K. Kindereit, R. Busch, A. Hohler and T. Woltering, and subsequently by: A. Reuter, C. Bürger, T. Christner and G. Müllejans, lawyers)

Defendant: European Commission (represented by: T. Maxian Rusche and R. Sauer, acting as Agents, and C. von Donat and G. Quardt, lawyers)

Re:

Application for annulment of Commission Decision C(2013) 4424 final of 18 December 2013 to initiate the procedure laid down in Article 108(2) TFEU concerning measures implemented by the Federal Republic of Germany in favour of electricity from renewable sources and energy-intensive users (State aid SA.33995 (2013/C) (ex 2013/NN)).

Operative part of the order

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

2. *The application to amend the form of order sought to refer to Commission Decision C(2014) 8786 final of 25 November 2014 concerning State aid SA. 33995 (2013/C) (ex 2013/NN) implemented by the Federal Republic of Germany in favour of electricity from renewable sources and energy-intensive users is rejected as inadmissible.*

3. *There is no longer any need to adjudicate on the application for leave to intervene made by the EFTA Surveillance Authority.*

4. *Wirschaftsvereinigung Stahl and the other applicants whose names appear in the annex to the order shall bear their own costs and pay the costs incurred by the European Commission.*

5. *The EFTA Surveillance Authority shall bear its own costs.*

([1]) OJ C 223, 14.7.2014.

Order of the General Court of 22 May 2015 — Röchling Oertl Kunststofftechnik v Commission

(Case T-286/14) ([1])

(State aid — Measures adopted by Germany in favour of electricity generated from renewable energy sources and of energy-intensive undertakings — Decision to open the procedure under Article 108(2) TFEU — Adoption of the final decision after the action was brought — No need to adjudicate)

(2015/C 245/22)

Language of the case: German

Parties

Applicant: Röchling Oertl Kunststofftechnik GmbH (Brensbach, Germany) (represented by: T. Volz, B. Wißmann, M. Püstow, M. Ringel, C. Oehme and T. Wielsch, lawyers)

Defendant: European Commission (represented by: T. Maxian Rusche and R. Sauer, acting as Agents, and by A. Luke and C. Maurer, lawyers)

Re:

Application to annul in part Commission decision C (2013) 4424 final of 18 December 2013 to open the procedure under Article 108(2) TFEU regarding measures implemented by the Federal Republic of Germany in favour of renewable electricity and of energy-intensive users (State aid SA.33995 (2013/C) (ex 2013/NN)).

Operative part of the order

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

2. *There is no longer any need to adjudicate on the application for intervention submitted by the EFTA Surveillance Authority.*

3. *Röchling Oertl Kunststofftechnik GmbH shall bear its own costs and those incurred by the European Commission, including those relating to the proceedings for interim measures.*

4. *The EFTA Surveillance Authority shall bear its own costs.*

([1]) OJ C 223, 14.7.2014.

Order of the General Court of 22 May 2015 — Schaeffler Technologies v Commission

(Case T-287/14) ([1])

(State aid — Measures adopted by Germany in favour of electricity generated from renewable energy sources and of energy-intensive undertakings — Decision to open the procedure under Article 108(2) TFEU — Adoption of the final decision after the action was brought — No need to adjudicate)

(2015/C 245/23)

Language of the case: German

Parties

Applicant: Schaeffler Technologies GmbH & Co. KG (Herzogenaurach, Germany) (represented by: T. Volz, B. Wißmann, M. Püstow, M. Ringel, C. Oehme and T. Wielsch, lawyers)

Defendant: European Commission (represented by: T. Maxian Rusche and R. Sauer, acting as Agents, and by A. Luke and C. Maurer, lawyers)

Re:

Application to annul in part Commission decision C (2013) 4424 final of 18 December 2013 to open the procedure under Article 108(2) TFEU regarding measures implemented by the Federal Republic of Germany in favour of renewable electricity and of energy-intensive users (State aid SA.33995 (2013/C) (ex 2013/NN)).

Operative part of the order

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

2. *There is no longer any need to adjudicate on the application for intervention submitted by the EFTA Surveillance Authority.*

3. *Schaeffler Technologies GmbH & Co. KG shall bear its own costs and those incurred by the European Commission, including those relating to the proceedings for interim measures.*

4. *The EFTA Surveillance Authority shall bear its own costs.*

([1]) OJ C 223, 14.7.2014.

Order of the General Court of 22 May 2015 — Energiewerke Nord v Commission

(Case T-288/14) ([1])

(State aid — Measures adopted by Germany in favour of electricity generated from renewable energy sources and of energy-intensive undertakings — Decision to open the procedure under Article 108(2) TFEU — Adoption of the final decision after the action was brought — No need to adjudicate)

(2015/C 245/24)

Language of the case: German

Parties

Applicant: Energiewerke Nord GmbH (Rubenow, Germany) (represented by: T. Volz, B. Wißmann, M. Püstow, M. Ringel, C. Oehme and T. Wielsch, lawyers)

Defendant: European Commission (represented by: T. Maxian Rusche and R. Sauer, acting as Agents, and by A. Luke and C. Maurer, lawyers)

Re:

Application to annul in part Commission decision C(2013) 4424 final of 18 December 2013 to open the procedure under Article 108(2) TFEU regarding measures implemented by the Federal Republic of Germany in favour of renewable electricity and of energy-intensive users (State aid SA.33995 (2013/C) (ex 2013/NN)).

Operative part of the order

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

2. *There is no longer any need to adjudicate on the application for intervention submitted by the EFTA Surveillance Authority.*

3. *Energiewerke Nord GmbH shall bear its own costs and those incurred by the European Commission, including those relating to the proceedings for interim measures.*

4. *The EFTA Surveillance Authority shall bear its own costs.*

(1) OJ C 223, 14.7.2014.

Order of the General Court of 22 May 2015 — H-O-T Servicecenter Nürnberg and Others v Commission

(Case T-289/14) (1)

(State aid — Measures adopted by Germany in favour of electricity generated from renewable energy sources and of energy-intensive undertakings — Decision to open the procedure under Article 108(2) TFEU — Adoption of the final decision after the action was brought — No need to adjudicate — Action for annulment — Application to amend the form of order sought — No new information — Inadmissibility)

(2015/C 245/25)

Language of the case: German

Parties

Applicants: H-O-T Servicecenter Nürnberg GmbH (Nuremberg, Germany); H-O-T Servicecenter Schmölln GmbH & Co. KG (Schmölln, Germany); H-O-T Servicecenter Allgäu GmbH & Co. KG (Memmingerberg, Germany); and EB Härtetechnik GmbH & Co. KG (Nuremberg) (represented by: initially A. Reuter, C. Arhold, N. Wimmer, F.-A. Wesche, K. Kindereit, R. Busch, A. Hohler and T. Woltering, then A. Reuter, C. Bürger, T. Christner and G. Müllejans, lawyers)

Defendant: European Commission (represented by: T. Maxian Rusche and R. Sauer, acting as Agents, and by C. von Donat and G. Quardt, lawyers)

Re:

Application to annul in part Commission decision C (2013) 4424 final of 18 December 2013 to open the procedure under Article 108(2) TFEU regarding measures implemented by the Federal Republic of Germany in favour of renewable electricity and of energy-intensive users (State aid SA.33995 (2013/C) (ex 2013/NN)).

Operative part of the order

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

2. *The application seeking that the form of order sought in the present action be amended to cover Commission decision C (2014) 8786 final of 25 November 2014 relating to State Aid SA. 33995 (2013/C) (ex 2013/NN) implemented by the Federal Republic of Germany in favour of renewable electricity and of energy-intensive users is rejected as inadmissible.*

3. *There is no longer any need to adjudicate on the application for intervention submitted by the EFTA Surveillance Authority.*

4. *H-O-T Servicecenter Nürnberg GmbH, H-O-T Servicecenter Schmölln GmbH & Co. KG, H-O-T Servicecenter Allgäu GmbH & Co. KG and EB Härtetechnik GmbH & Co. KG shall bear their own costs and those incurred by the European Commission.*

5. *The EFTA Surveillance Authority shall bear its own costs.*

(1) OJ C 223, 14.7.2014.

Order of the General Court of 22 May 2015 — Klemme v Commission

(Case T-294/14) (1)

(State aid — Measures adopted by Germany in favour of electricity generated from renewable energy sources and of energy-intensive undertakings — Decision to open the procedure under Article 108(2) TFEU — Adoption of the final decision after the action was brought — No need to adjudicate — Action for annulment — Application to amend the form of order sought — No new information — Inadmissibility)

(2015/C 245/26)

Language of the case: German

Parties

Applicant: Klemme AG (Lutherstadt Eisleben, Germany) (represented by: T. Volz, B. Wißmann, M. Püstow, M. Ringel, C. Oehme and T. Wielsch lawyers)

Defendant: European Commission (represented by: T. Maxian Rusche and R. Sauer, acting as Agents, and by A. Luke and C. Maurer, lawyers)

Re:

Application to annul in part Commission decision C (2013) 4424 final of 18 December 2013 to open the procedure under Article 108(2) TFEU regarding measures implemented by the Federal Republic of Germany in favour of renewable electricity and of energy-intensive users (State aid SA.33995 (2013/C) (ex 2013/NN)).

Operative part of the order

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

2. *The application seeking that the form of order sought in the present action be amended to cover Commission decision C (2014) 8786 final of 25 November 2014 relating to State Aid SA. 33995 (2013/C) (ex 2013/NN) implemented by the Federal Republic of Germany in favour of renewable electricity and of energy-intensive users is rejected as inadmissible.*

3. *There is no longer any need to adjudicate on the application for intervention submitted by the EFTA Surveillance Authority.*

4. *Klemme AG shall bear its own costs and those incurred by the European Commission.*

5. *The EFTA Surveillance Authority shall bear its own costs.*

(1) OJ C 223, 14.7.2014.

Order of the General Court of 22 May 2015 — Autoneum Germany v Commission

(Case T-295/14) (1)

(State aid — Measures adopted by Germany in favour of electricity generated from renewable energy sources and of energy-intensive undertakings — Decision to open the procedure under Article 108(2) TFEU — Adoption of the final decision after the action was brought — No need to adjudicate — Action for annulment — Application to amend the form of order sought — No new information — Inadmissibility)

(2015/C 245/27)

Language of the case: German

Parties

Applicant: Autoneum Germany GmbH (Roßdorf, Germany) (represented by: T. Volz, B. Wißmann, M. Püstow, C. Oehme, M. Ringel and T. Wielsch lawyers)

Defendant: European Commission (represented by: T. Maxian Rusche and R. Sauer, acting as Agents, and by A. Luke and C. Maurer, lawyers)

Re:

Application to annul in part Commission decision C (2013) 4424 final of 18 December 2013 to open the procedure under Article 108(2) TFEU regarding measures implemented by the Federal Republic of Germany in favour of renewable electricity and of energy-intensive users (State aid SA.33995 (2013/C) (ex 2013/NN)).

Operative part of the order

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

2. *The application seeking that the form of order sought in the present action be amended to cover Commission decision C (2014) 8786 final of 25 November 2014 relating to State Aid SA. 33995 (2013/C) (ex 2013/NN) implemented by the Federal Republic of Germany in favour of renewable electricity and of energy-intensive users is rejected as inadmissible.*

3. *There is no longer any need to adjudicate on the application for intervention submitted by the EFTA Surveillance Authority.*

4. *Autoneum Germany GmbH shall bear its own costs and those incurred by the European Commission.*

5. *The EFTA Surveillance Authority shall bear its own costs.*

(1) OJ C 223, 14.7.2014.

Order of the General Court of 22 May 2015 — Erbslöh v Commission

(Case T-296/14) ([1])

(State aid — Measures adopted by Germany in favour of electricity generated from renewable energy sources and of energy-intensive undertakings — Decision to open the procedure under Article 108(2) TFEU — Adoption of the final decision after the action was brought — No need to adjudicate)

(2015/C 245/28)

Language of the case: German

Parties

Applicant: Erbslöh AG (Velbert, Germany) (represented by: T. Volz, M. Ringel, B. Wißmann, M. Püstow, C. Oehme and T. Wielsch, lawyers)

Defendant: European Commission (represented by: T. Maxian Rusche and R. Sauer, acting as Agents, and by A. Luke and C. Maurer, lawyers)

Re:

Application to annul in part Commission decision C (2013) 4424 final of 18 December 2013 to open the procedure under Article 108(2) TFEU regarding measures implemented by the Federal Republic of Germany in favour of renewable electricity and of energy-intensive users (State aid SA.33995 (2013/C) (ex 2013/NN)).

Operative part of the order

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

2. *There is no longer any need to adjudicate on the application for intervention submitted by the EFTA Surveillance Authority.*

3. *Erbslöh AG shall bear its own costs and those incurred by the European Commission, including those relating to the proceedings for interim measures.*

4. *The EFTA Surveillance Authority shall bear its own costs.*

([1]) OJ C 223, 14.7.2014.

Order of the General Court of 22 May 2015 — Walter Klein v Commission

(Case T-297/14) ([1])

(State aid — Measures adopted by Germany in favour of electricity generated from renewable energy sources and of energy-intensive undertakings — Decision to open the procedure under Article 108(2) TFEU — Adoption of the final decision after the action was brought — No need to adjudicate)

(2015/C 245/29)

Language of the case: German

Parties

Applicant: Walter Klein GmbH & Co. KG (Wuppertal, Germany) (represented by: T. Volz, M. Ringel, B. Wißmann, M. Püstow, C. Oehme and T. Wielsch, lawyers)

Defendant: European Commission (represented by: T. Maxian Rusche and R. Sauer, acting as Agents, and by A. Luke and C. Maurer, lawyers)

Re:

Application to annul in part Commission decision C (2013) 4424 final of 18 December 2013 to open the procedure under Article 108(2) TFEU regarding measures implemented by the Federal Republic of Germany in favour of renewable electricity and of energy-intensive users (State aid SA.33995 (2013/C) (ex 2013/NN)).

Operative part of the order

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

2. *There is no longer any need to adjudicate on the application for intervention submitted by the EFTA Surveillance Authority.*

3. *Walter Klein GmbH & Co. KG shall bear its own costs and those incurred by the European Commission, including those relating to the proceedings for interim measures.*

4. *The EFTA Surveillance Authority shall bear its own costs.*

([1]) OJ C 223, 14.7.2014.

Order of the General Court of 22 May 2015 — Erbslöh Aluminium v Commission

(Case T-298/14) ([1])

(State aid — Measures adopted by Germany in favour of electricity generated from renewable energy sources and of energy-intensive undertakings — Decision to open the procedure under Article 108(2) TFEU — Adoption of the final decision after the action was brought — No need to adjudicate)

(2015/C 245/30)

Language of the case: German

Parties

Applicant: Erbslöh Aluminium GmbH (Velbert, Germany) (represented by: T. Volz, M. Ringel, B. Wißmann, M. Püstow, C. Oehme and T. Wielsch, lawyers)

Defendant: European Commission (represented by: T. Maxian Rusche and R. Sauer, acting as Agents, and by A. Luke and C. Maurer, lawyers)

Re:

Application to annul in part Commission decision C (2013) 4424 final of 18 December 2013 to open the procedure under Article 108(2) TFEU regarding measures implemented by the Federal Republic of Germany in favour of renewable electricity and of energy-intensive users (State aid SA.33995 (2013/C) (ex 2013/NN)).

Operative part of the order

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

2. *There is no longer any need to adjudicate on the application for intervention submitted by the EFTA Surveillance Authority.*

3. *Erbslöh Aluminium GmbH shall bear its own costs and those incurred by the European Commission, including those relating to the proceedings for interim measures.*

4. *The EFTA Surveillance Authority shall bear its own costs.*

(1) OJ C 223, 14.7.2014.

Order of the General Court of 22 May 2015 — Fricopan Back v Commission

(Case T-300/14) (1)

(State aid — Measures adopted by Germany in favour of electricity generated from renewable energy sources and of energy-intensive undertakings — Decision to open the procedure under Article 108(2) TFEU — Adoption of the final decision after the action was brought — No need to adjudicate — Action for annulment — Application to amend the form of order sought — No new information — Inadmissibility)

(2015/C 245/31)

Language of the case: German

Parties

Applicant: Fricopan Back GmbH Immekath (Klötze, Germany) (represented by: T. Volz, M. Ringel, B. Wißmann, M. Püstow, C. Oehme and T. Wielsch lawyers)

Defendant: European Commission (represented by: T. Maxian Rusche and R. Sauer, acting as Agents, and by A. Luke and C. Maurer, lawyers)

Re:

Application to annul in part Commission decision C (2013) 4424 final of 18 December 2013 to open the procedure under Article 108(2) TFEU regarding measures implemented by the Federal Republic of Germany in favour of renewable electricity and of energy-intensive users (State aid SA.33995 (2013/C) (ex 2013/NN)).

Operative part of the order

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

2. *The application seeking that the form of order sought in the present action be amended to cover Commission decision C (2014) 8786 final of 25 November 2014 relating to State Aid SA. 33995 (2013/C) (ex 2013/NN) implemented by the Federal Republic of Germany in favour of renewable electricity and of energy-intensive users is rejected as inadmissible.*

3. *There is no longer any need to adjudicate on the application for intervention submitted by the EFTA Surveillance Authority.*

4. *Fricopan Back GmbH Immekath shall bear its own costs and those incurred by the European Commission.*

5. *The EFTA Surveillance Authority shall bear its own costs.*

(1) OJ C 223, 14.7.2014.

Order of the General Court of 22 May 2015 — Michelin Reifenwerke v Commission

(Case T-301/14) (1)

(State aid — Measures adopted by Germany in favour of electricity generated from renewable energy sources and of energy-intensive undertakings — Decision to open the procedure under Article 108(2) TFEU — Adoption of the final decision after the action was brought — No need to adjudicate)

(2015/C 245/32)

Language of the case: German

Parties

Applicant: Michelin Reifenwerke AG & Co. KGaA (Karlsruhe, Germany) (represented by: T. Volz, M. Ringel, B. Wißmann, M. Püstow, C. Oehme and T. Wielsch, lawyers)

Defendant: European Commission (represented by: T. Maxian Rusche and R. Sauer, acting as Agents, and by A. Luke and C. Maurer, lawyers)

Re:

Application to annul in part Commission decision C (2013) 4424 final of 18 December 2013 to open the procedure under Article 108(2) TFEU regarding measures implemented by the Federal Republic of Germany in favour of renewable electricity and of energy-intensive users (State aid SA.33995 (2013/C) (ex 2013/NN)).

Operative part of the order

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

2. *There is no longer any need to adjudicate on the application for intervention submitted by the EFTA Surveillance Authority.*

3. *Michelin Reifenwerke AG & Co. KGaA shall bear its own costs and those incurred by the European Commission, including those relating to the proceedings for interim measures.*

4. *The EFTA Surveillance Authority shall bear its own costs.*

(1) OJ C 223, 14.7.2014.

Order of the General Court of 22 May 2015 — Vestolit v Commission

(Case T-305/14) (1)

(State aid — Measures adopted by Germany in favour of electricity generated from renewable energy sources and of energy-intensive undertakings — Decision to open the procedure under Article 108(2) TFEU — Adoption of the final decision after the action was brought — No need to adjudicate)

(2015/C 245/33)

Language of the case: German

Parties

Applicant: Vestolit GmbH (Marl, Germany) (represented by: D. Greinacher, J. Martin and B. Scholtka, lawyers)

Defendant: European Commission (represented by: T. Maxian Rusche and R. Sauer, acting as Agents, and by C. von Donat and G. Quardt, lawyers)

Re:

Application to annul in part Commission decision C (2013) 4424 final of 18 December 2013 to open the procedure under Article 108(2) TFEU regarding measures implemented by the Federal Republic of Germany in favour of renewable electricity and of energy-intensive users (State aid SA.33995 (2013/C) (ex 2013/NN)).

Operative part of the order

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

2. *There is no longer any need to adjudicate on the application for intervention submitted by the EFTA Surveillance Authority.*

3. *Vestolit GmbH shall bear its own costs and those incurred by the European Commission, including those relating to the proceedings for interim measures.*

4. *The EFTA Surveillance Authority shall bear its own costs.*

([1]) OJ C 223, 14.7.2014.

Order of the President of the General Court of 2 June 2015 — Buga v Parliament and Others

(Case T-241/15 R)

(Application — Directive on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing — Application for interim measures — Manifest inadmissibility of the main action — Inadmissibility)

(2015/C 245/34)

Language of the case: Romanian

Parties

Applicant: Aurel Buga (Bacău, Romania) (represented by: M.Vasii, lawyer)

Defendants: European Parliament, Council of the European Union and European Commission

Re:

Application for interim measures seeking to order the Romanian authorities to suspend the criminal proceedings opened against the applicant before a national court.

Operative part of the order

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

2. *Costs are reserved.*

Action brought on 1 April 2015 — Hellenic Republic v Commission

(Case T-168/15)

(2015/C 245/35)

Language of the case: Greek

Parties

Applicant: Hellenic Republic (represented by: G. Kanellopoulos, E. Leftheriotou and A.-E. Vasilopoulou)

Defendant: European Commission

Form of order sought

The applicant claims that the General Court should:

— annul the Commission implementing decision of 26 January 2015, notified under reference number C(2015) 252 final, 'concerning the reduction of the interim payments relating to Greece's rural development programme for the 2007-13 programming period and to the expenditure in respect of the period from 1 January 2014 to 31 March 2014 and from 1 April 2014 to 30 June 2014, CCI 2007 GR 06 RPO 001', by the amounts of EUR 275 118,75 and EUR 2 940 050 respectively.

Pleas in law and main arguments

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

1. By the first plea, it is submitted that, in adopting the contested decision, Article 16(4) of Commission Regulation No 883/2996 of 21 June 2006 ([1]) was misinterpreted and misapplied, the rules governing the Commission's competence *ratione temporis* were infringed and the essential requirements of the procedure laid down by that provision were infringed.

2. By the second plea, it is submitted that, in adopting the decision, Article 41(1) of Regulation No 1306/2013 ([2]) was misinterpreted and misapplied.

3. By the third plea, it is submitted that the Commission misinterpreted and misapplied Article 26(5) and Article 27(3) and (4) of Regulation No 1290/2005 ([3]) and Article 36(5) and Article 41(3) of Regulation No 1306/2013, and that the *ne bis in idem* principle, the principle of the protection of legitimate expectations and the Hellenic Republic's right to be heard and rights of defence were infringed.

4. By the fourth plea, it is submitted that, in adopting the contested decision, the Commission misinterpreted and misapplied Article 27(4) of Regulation No 1290/2005 and Article 41(3) of Regulation No 1306/2013, and infringed the principle of proportionality.

5. Finally, by the fifth plea, it is submitted that, in adopting the contested decision, Article 27(4) of Regulation No 1290/2005 and Article 41(3) of Regulation No 1306/2013 were misinterpreted and misapplied and the concept of *force majeure* and exceptional circumstances was misconstrued.

([1]) Commission Regulation (EC) No 883/2006 of 21 June 2006 laying down detailed rules for the application of Council Regulation (EC) No 1290/2005 as regards the keeping of accounts by the paying agencies, declarations of expenditure and revenue and the conditions for reimbursing expenditure under the EAGF and the EAFRD (OJ 2006 L 171, p. 1).

([2]) Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 (OJ 2013 L 347, p. 549).

([3]) Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy (OJ 2005 L 209, p. 1).

Action brought on 8 April 2015 — Kohrener Landmolkerei and DHG v Commission

(Case T-178/15)

(2015/C 245/36)

Language of the case: Germany

Parties

Applicants: Kohrener Landmolkerei GmbH (Penig, Germany) and DHG Deutsche Heumilchgesellschaft mbH (Frohburg, Germany) (represented by: A. Wagner, Lawyer)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

— annul the European Commission's decision of 2 March 2015;

— allow the claimants' opposition of 23 December 2014 in proceedings AT-TSG-0007-01035.

Pleas in law and main arguments

In support of the action, the applicants claim that the contested decision is vitiated by an error of law and should therefore be annulled. Under Article 51 of Regulation (EU) No 1151/2012 ([1]), the applicants, as persons lodging a notice of opposition, had a three-month period in which they were required to lodge a notice of opposition with the national authorities if they wished to lodge an opposition to an application for a traditional speciality guaranteed. They state that the publication at issue (OJ 2014 C 340, p. 6) was effected on 30 September 2014 and that on 23 December 2014 the opposition was lodged with the national authorities. The applicants allege that they are not responsible for any subsequent inobservance of a time-limit. They add that they alone cannot influence the timeous action of the competent authority with regard to the forwarding of oppositions to the Commission and that the contested decision did not have regard to the fact that the notice of opposition was lodged in time. That decision had regard only to the date at which the notice was received by the European Commission.

In addition, it is claimed that Article 51 of Regulation No 1151/2012 does not lay down a time-limit for the forwarding of the notice of opposition through a national authority. It is therefore only the applicants' submission of the notice of opposition to the national authorities which is relevant.

([1]) Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ 2012 L 343, p. 1).

Action brought on 14 April 2015 — Icap a.o. v Commission

(Case T-180/15)

(2015/C 245/37)

Language of the case: English

Parties

Applicants: Icap plc (London, United Kingdom), Icap Management Services Ltd (London) and Icap New Zealand Ltd (Wellington, New Zealand) (represented by: C. Riis-Madsen and S. Frank, lawyers)

Defendants: European Commission

Form of order sought

The applicants claim that the Court should:

— annul, in whole or in part, Commission decision of 4 February 2015, in Case AT.39861 — Yen Interest Rate Derivatives — C(2015) 432 final;

— in the alternative, annul or reduce the level of the fine imposed;

— in any event, order the defendant to pay the applicant's legal and other costs and expenses in relation to this matter;

— take any other measures that this Court considers appropriate.

Pleas in law and main arguments

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

1. First plea in law, alleging errors in fact and in law by the Commission in finding that the banks engaged in conduct restricting and/or distorting competition 'by object'

2. Second plea in law, alleging errors in fact and in law by the defendant in finding that the alleged facilitation by the applicants of the banks' conduct constituted an infringement of competition law within the meaning of Article 101 TFUE

   — According to the applicants, Article 101 TFUE does not cover conduct by an accomplice which does not take part in an agreement which restricts/distorts competition. The test applied by the Commission was, in any event, incorrect and covers too broad a spectrum of conduct that is not sufficiently closely connected to the infringing conduct. The conduct of the applicants falls outside the test for facilitation adopted by the defendant. In particular, the applicants put forward that the finding that the applicants facilitated the exchange of information between the banks lacks any basis in fact, and that the defendant does not point out a single instance of the applicants facilitating such exchanges. According to the applicants, the same applies to the exploration of alignment trades. With respect to the manipulation of the Yen LIBPR submissions, the Commission has acknowledged that only one of two banks knew of ICAP's involvement. As such, so the applicants claim, ICAP had no facilitating role as far as the conduct of the banks is concerned. Moreover, for those infringements, the infringing conduct started well before ICAP allegedly commenced the facilitation.

3. Third plea in law, alleging errors in fact and in law by the Commission in setting duration of the applicant's alleged involvement in the infringements.

   — The applicants put forward that the banks were trading parties in Yen Interest rate Derivatives and therefore had knowledge of each other's trading positions and interests. As such, according to the applicants, the evidence put forward by the Commission in support of the argument that ICAP had knowledge of the bilateral infringement is inconsequential, vague and misleading. Furthermore, so the applicants claim, the Commission's approach assumes knowledge and conduct on part of the applicants through to the end of the bilateral infringement of the banks without providing any evidence of the applicant's ongoing knowledge about the bank's infringements.

4. Fourth plea in law, alleging a breach by the Commission of the principle of the presumption of innocence and the principle of good administration.

   — According to the applicants, the Commission conducted a hybrid settlement procedure, in which the settlement decision adopted in December 2013 implicated ICAP by extensively describing its role as a facilitator. From that point on, the Commission could no longer pretend to have no bias in dealing with ICAP's case.

5. Fifth plea in law, alleging an infringement by the Commission of the Fining Guidelines, a breach of the principle of equal treatment, a breach of the principle of proportionality and a breach of the principle of legal certainty.

— The applicants put forward that the Commission breached the principle of legal certainty by imposing fines that go beyond mere nominal fines. This allegedly also constitutes a departure from its decisional practice. In addition, so the applicants claim, the Commission breached its Fining Guidelines by declining to use the value of the applicant's sales as a basis for the fine, by failing to adequately specify its method in calculating the fine and by failing to justify these departures from its previous decisional practice. In addition, it's the applicants' opinion that the Commission breached the principle of equal treatment by treating the applicants differently from another broker accused of facilitation in similar circumstances and within the same infringement as well as by ultimately treating the applicants like the banks who perpetrated the infringement despite the applicants being accused only of facilitation. The applicants claim that as a result of this, the fines imposed are wholly disproportionate and the Commission has thus breached the principle of proportionality.

6. Sixth plea in law, alleging a breach by the Commission of the principle of 'ne bis in idem'.

Action brought on 24 April 2015 — National Iranian Tanker Company v Council

(Case T-207/15)

(2015/C 245/38)

Language of the case: English

Parties

Applicants: National Iranian Tanker Company (Tehran, Iran) (represented by: T. de la Mare, QC, M. Lester and J. Pobjoy, Barristers, R. Chandrasekera, S. Ashley and C. Murphy, Solicitors)

Defendants: Council of the European Union

Form of order sought

The applicant claims that the Court should:

— annul Council Decision (CFSP) 2015/236 of 12 February 2015 amending Decision 2010/413/CFSP concerning restrictive measures against Iran (OJ L 39, 14.2.2015, p. 18) and Council Implementing Regulation (EU) 2015/230 of 12 February 2015 implementing Regulation (EU) No 267/2012 concerning restrictive measures against Iran (OJ L 39, 14.2.2015, p. 3), insofar as each applies to the applicant;

— alternatively, declare that Article 20(1)(c) of Council Decision 2010/413/CFSP of 26 July 2010 (as amended) ('the Decision') and Article 23(2)(d) of Council Regulation (EU) No 267/2012 of 23 March 2012 (as amended) ('the Regulation'), are inapplicable insofar as they apply to the applicant by reason of illegality; and

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

Pleas in law and main arguments

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

1. First plea in law, alleging that the Council has, by redesignating the applicant on the basis of the same factual allegations that were rejected by the General Court in Case T-565/12, *NITC v Council* (3 July 2014) ('*NITC v Council*'), acted in violation of the principles of res judicata, legal certainty, legitimate expectations, and finality, and infringed the applicant's right to an effective remedy under Article 47 of the Charter of Fundamental Rights of the EU.

2. Second plea in law, alleging that the Council has failed to fulfil the relevant criterion for listing, namely that the applicant provides financial or logistical support to the Government of Iran. The financial support allegation was rejected by the General Court in *NITC v Council*. The applicant provides no financial benefit to the Government of Iran, and the Government of Iran derives no financial benefit from the applicant, through its shareholders, or otherwise. As held in *NITC v Council*, indirect financial support is not sufficient to satisfy this criterion. The logistical support allegation is no more than a recharacteristation of allegations already made in *NITC v Council*. In any event, there is not the requisite causal link between the activities of the applicant and nuclear proliferation, and any support provided by the applicant is at most indirect logistical support.

3. Third plea in law, alleging that the Council violated the applicant's right of defence and the right to good administration and effective judicial review. In particular, the Council failed to (a) inform the applicant of the actual grounds for its redesignation or provide the evidence adduced against it; and/or (b) provide the applicant with an opportunity to make known its views on the actual grounds and/or the evidence adduced against it prior to its redesignation.

4. Fourth plea in law, alleging that the Council has infringed, without justification or proportion, the applicant's fundamental rights, including its right to protection of its property, business and reputation. The impact of the Contested Measures on the applicant is far-reaching, both as regards to its business, and to its reputation and goodwill worldwide. The designation of the application will also have potentially devastating effects on the pension fund beneficiaries of the applicants' shareholders, who are all innocent Iranian citizens, many of whom are retired. The Council has failed to demonstrate that the freezing of the applicant's assets and economic resources is related to, or justified by, any legitimate aim, still less that it is proportionate to such an aim.

5. Fifth plea in law, in support of the application for a declaration, alleging that if, contrary to the arguments advanced in the second plea, Article 20(1)(c) of the Decision and Article 23(2)(d) of the Regulation are to be interpreted so as to capture (a) indirect financial support and/or (b) logistical support that has no link with nuclear proliferation, those criteria would be unlawful and disproportionate to the objectives of the Decision and Regulation. The arbitrary width and scope of the criteria that would result from this broader interpretation would exceed the limits of what is appropriate and necessary in order to achieve those objectives. The provision would therefore be unlawful.

Action brought on 21 May 2015 — Speciality Drinks v OHIM — William Grant (CLAN)

(Case T-250/15)

(2015/C 245/39)

Language in which the application was lodged: English

Parties

Applicant: Speciality Drinks Ltd (London, United Kingdom) (represented by: G. Pritchard, Barrister)

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

Other party to the proceedings before the Board of Appeal: William Grant & Sons Ltd (Dufftown, United Kingdom)

Details of the proceedings before OHIM

Applicant: Applicant

Trade mark at issue: Community word mark 'CLAN' — Application for registration No 10 025 815

Procedure before OHIM: Opposition proceedings

Contested decision: Decision of the First Board of Appeal of OHIM of 5 March 2015 in Case R 220/2014-1

Form of order sought

The applicant claims that the Court should:

— annul the contested decision and dismiss the opposition;

— order that a costs award be made in the favour of the applicant and/or that the costs order of the First Board of Appeal be reversed.

Pleas in law

— The Board of Appeal erred in its characterisation of the level of attention of the 'relevant consumer' within the meaning of Article 8(1)(b) of Regulation No 207/2009;

— The Board of Appeal failed to decide whether CLAN, when used in conjunction with MACGREGOR, was a fancy (i.e. meaningless) word to the relevant consumer or, in the alternative, was a word with a meaning they understood;

— The Board of Appeal did not assess the similarity of marks on the correct legal and/or factual basis;

— The Board of Appeal did not assess the likelihood of confusion on the correct legal and/or factual basis.

Action brought on 14 May 2015 — Espírito Santo Financial (Portugal) v ECB

(Case T-251/15)

(2015/C 245/40)

Language of the case: English

Parties

Applicant: Espírito Santo Financial (Portugal), SGPS, SA (Lisbon, Portugal) (represented by: R. Oliveira, N. Cunha Barnabé and S. Estima Martins, lawyers)

Defendant: European Central Bank

Form of order sought

The applicant claims that the Court should:

— annul the tacit decision taken by the European Central Bank (ECB) on 4 March 2015, under the terms of Article 8(3) of Decision ECB/2004/3 (Tacit Decision), not to provide full access to the ECB decision of 1 August 2014, suspending Banco Espírito Santo S.A.'s Eurosystem monetary policy counterparty status and obliging the said bank to fully repay its debt to the Eurosystem to an amount of 10 billion EUR, as well as all documents, in the ECB's possession, which were in any way related to the said decision;

— annul the express decision taken by the ECB on 1 April 2015 (Express Decision), not to provide full access to the abovementioned documents;

— order the defendant to pay the 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, concerning the Tacit Decision, alleging the breach of the duty to state reasons.

   — The applicant puts forward that the Tacit Decision, by not providing the reasons for the refusal to provide full access to the requested ECB documents, did not comply with the duty to state reasons and should thus be annulled.

2. Second plea in law, concerning the Express Decision, alleging the breach of the duty to state reasons in relation to Governing Council decision.

   — The applicant puts forward that the Express Decision refusing access to the requested information should be annulled on the grounds that it breached its duty to state reasons insofar (i) it only presented generic considerations regarding the invoked exceptions listed in Article 4 of the Decision ECB/2004/3 and, in particular, (ii) it did not provide the reasons why the exception listed in the first indent of Article 4(1)(a) of the Decision ECB/2004/3 would justify the restriction of the applicant's right of access.

3. Third plea in law, concerning the Express Decision, alleging the breach of the first, second and seventh indents of Article 4(1)(a) of the Decision ECB/2004/3.

4. Fourth plea in law, concerning the Express Decision, alleging the breach of the first indent of Article 4(2) of the Decision ECB/2004/3 in relation to the Governing Council decisions.

5. Fifth plea, concerning the Express Decision, alleging the breach of the duty to state reasons in relation to executive Board's proposals.

   — The applicant puts forward that the Express Decision should be annulled on the grounds that it breached its duty to state reasons insofar: (i) it only presented generic considerations regarding the invoked exceptions listed in Article 4 of the Decision ECB/2004/3; (ii) it failed to provide any particular reasons to refuse access to specific information requested by the applicant; (iii) it failed to state the reasons for not disclosing the information on the basis of Article 4(1)(a) seventh indent of the Decision ECB/2004/3; (iv) it failed to state the reasons for not disclosing the information on the basis of Article 4(2) first indent of the Decision ECB/2004/3; (v) it failed to state the reasons for not disclosing the information on the basis of Article 4(3) of the Decision ECB/2004/3.

Action brought on 21 May 2015 — Ferrovial and others v Commission

(Case T-252/15)

(2015/C 245/41)

Language of the case: Spanish

Parties

Applicants: Ferrovial, SA (Madrid, Spain), Ferrovial Servicios, SA (Madrid, Spain), Amey UK plc (Oxford, United Kingdom) (represented by: M. Muñoz Pérez and M. Linares Gil, lawyers)

Defendant: European Commission

Forms of order sought

— annul European Commission Decision C (2014) 7280 of 15 October 2014, on State aid SA 35550 (13/C) (ex 13/NN) (ex 12/CP) implemented by Spain;

— in the alternative annul Article 4(2) of that Decision, and

— order the defendant institution to bear the costs.

Pleas in law and main arguments

The contested decision in this case is the same as that in Case T-826/14, *Spain* v *Commission*, and Case T-12/15, *Banco de Santander and Santusa* v *Commission*.

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

1. First plea in law, alleging infringement of Article 296 TFEU on the ground of failure to state reasons.

2. Second plea in law, alleging infringement of Article 107(1) TFEU, since, according to the applicants the measure under assessment does not meet the criteria to constitute state aid.

3. Third plea in law, alleging infringement of Article 108(3) TFEU, Article 1(c) of Council Regulation (EC) No 659/1999 of 22 March 1999, laying down detailed rules for the application of Article 93 of the EC Treaty, and Article 4(1) of Regulation (EC) No 794/2004, implementing Regulation (EC) No 659/1999, since the measure under assessment does not constitute new, unlawful and incompatible aid.

4. Fourth plea in law, alleging the invalidity of Article 4(2) of the Third Decision on the ground of infringement of Article 14(1) of Regulation No 659/1999, by failing to limit the recovery order in the same terms as the first two decisions did (acquisitions earlier than 21 December 2007).

5. Fifth plea in law, alleging the invalidity of Article 4 of the Third Decision (recovery order) on the ground of infringement of Article 14(1) of Regulation No 659/1999, by not excluding indirect operations before 10 March 2005 from the recovery order.

Action brought on 21 May 2015 — Sociedad General de Aguas de Barcelona v Commission

(Case T-253/15)

(2015/C 245/42)

Language of the case: Spanish

Parties

Applicant: Sociedad General de Aguas de Barcelona (Barcelona, Spain) (represented by: J. de Juan Casadevall, lawyer)

Defendant: European Commission

Forms of order sought

— annul the contested decision;

— in the alternative, if the main claim is rejected, annul the contested decision insofar as it does not limit the recovery order to indirect acquisitions made after 21 December 2007, and does not recognise the right to full application of tax concessions during the entire period provided for in Article 12.5 of the Royal Legislative Decree 4/2004 of 5 March approving the Texto Refundido de la Ley del Impuesto sobre Sociedades (the consolidated text of the Spanish Company Tax Act), and

— order the European Commission to bear the costs.

Pleas in law and main arguments

The contested decision in these proceedings is the same as that in Cases T-12/15, *Banco de Santander and Santusa* v *Commission*, and T-252/15 *Ferrovial SA and others* v *Commission*.

The pleas and main arguments relied on are similar to those already raised in those cases.

It is claimed in particular that there was an error in law in the application of the selectivity criterion, that there was a misuse of powers and an infringement of the principles of equality and legitimate expectations.

Action brought on 18 May 2015 — Aldi Einkauf v OHIM — Dyado Liben OOD (Casale Fresco)

(Case T-254/15)

(2015/C 245/43)

Language in which the application was lodged: German

Parties

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

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

Other party to the proceedings before the Board of Appeal: Dyado Liben OOD (Sofia, Bulgaria)

Details of the proceedings before OHIM

Applicant/Proprietor of the trade mark at issue: Applicant

Trade mark at issue: Community word mark 'Casale Fresco' — Application No 010 886 604

Procedure before OHIM: Opposition proceedings

Contested decision: Decision of the Fourth Chamber of the Board of Appeal of OHIM of 11.03.2015 in Case R 1138/2014-4

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

Action brought on 22 May 2015 — Telefónica v Commission

(Case T-256/15)

(2015/C 245/44)

Language of the case: Spanish

Parties

Applicant: Telefónica, S.A. (Madrid, Spain) (represented by: J. Ruiz Calzado and J. Domínguez Pérez, lawyers)

Defendant: European Commission

Forms of order sought

— annul Article 1 of the contested decision;

— annul Article 4(1) of the contested decision insofar as it orders the Kingdom of Spain to put an end to the aid scheme referred to in Article 1;

— annul Article 4(2),(3),(4) and (5) of the contested decision, insofar as it orders the recovery of the State aid established by the Commission;

— in the alternative, limit the recovery obligation laid down by Article 4(2) of the contested decision under the same conditions as those established in the First and Second Decisions, and

— order the Commission to bear the total costs of the proceedings.

Pleas in law and main arguments

The contested decision in these proceedings is the same as that in Cases T-12/15, *Banco de Santander and Santusa* v *Commission* and T-252/15 *Ferrovial SA and others* v *Commission*.

The pleas and main arguments relied on are similar to those already raised in those cases.

It is claimed in particular that the Commission committed errors of law and assessment in examining the interpretation of the Spanish tax administration (DGT) and concluding that it amounts to a new measure likely to constitute new state aid, and in claiming that the first two decisions did not cover the possible application of the measure at issue to the acquisition of indirect shareholdings.

Action brought on 22 May 2015 — Arcelormittal Spain Holding v Commission

(Case T-257/15)

(2015/C 245/45)

Language of the case: Spanish

Parties

Applicant: Arcelormittal Spain Holding, S.L. (Madrid, Spain) (represented by: M. Muñoz Pérez, lawyer)

Defendant: European Commission

Forms of order sought

— annul European Commission Decision C (2014) 7280 of 15 October 2014, on State aid SA 355550 (13/C) (ex 12/CP) implemented by Spain;

— in the alternative annul Article 4(2) of that decision for the reasons stated, and

— order the defendant institution to bear the costs.

Pleas in law and main arguments

The contested decision in these proceedings is the same as that in Cases T-12/15, *Banco de Santander and Santusa* v *Commission*, and T-252/15 *Ferrovial SA and others* v *Commission*.

The pleas and main arguments relied on are similar to those already raised in those cases.

Action brought on 22 May 2015 — Axa Mediterranean Holding v Commission

(Case T-258/15)

(2015/C 245/46)

Language of the case: Spanish

Parties

Applicant: Axa Mediterranean Holding, S.A (Palma de Mallorca, Spain) (represented by: J. Buendía Sierra, D. Armesto Macías and A. Balcells Cartagena, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the General Court should:

— annul Article 1 of the contested decision in so far as it declares that the new administrative interpretation of Article 12 TRLIS adopted by the Spanish administration must be regarded as state aid which is incompatible with the interior market;

— annul Article 4(1) of the contested decision in so far as it requires the Kingdom of Spain to put an end to the alleged aid scheme as described in Article 1;

— annul Article 4(2)(3)(4) and (5) of the contested decision in so far as it requires the Kingdom of Spain to recover the amounts considered by the Commission to be State aid;

— in the alternative, limit the scope of the recovery obligation imposed on the Kingdom of Spain by Article 4(2) of the contested decision in the same terms as in the first and second decisions; and

— order the Commission to pay the costs.

Pleas in law and main arguments

The contested decision in the present proceedings is the same as in cases T-12/15, *Banco de Santander and Santusa* v *Commission* and T-252/15 *Ferrovial SA and Others* v *Commission*.

The pleas in law and the main arguments put forward are similar to those relied on in those cases.

Action brought on 22 May 2015 — Spirig Pharma v OHIM (Daylong)

(Case T-261/15)

(2015/C 245/47)

Language of the case: French

Parties

Applicant: Spirig Pharma (Egerkingen, Switzerland) (represented by: T. de Haan and P. Péters, lawyers)

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

Details of the proceedings before OHIM

Trade mark at issue: figurative mark containing the word element 'Daylong' — Application for registration No 12 537 627

Contested decision: Decision of the Fourth Board of Appeal of OHIM of 24 March 2015 in Case R 2455/2014-4

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— order OHIM to pay the costs, including those of the applicant in the course of the proceedings before the fourth Board of Appeal of the Office.

Pleas in law

— Infringement of Article 7(1)(c) of Regulation No 207/2009, read in conjunction with Article 75 of the same regulation;

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

Action brought on 27 May 2015 — db Technologies Deutschland v OHIM — MIP Metro (Sigma)

(Case T-267/15)

(2015/C 245/48)

Language in which the application was lodged: German

Parties

Applicant: db Technologies Deutschland GmbH (Cologne, Germany) (represented by: K. Zingsheim, lawyer)

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

Other party to the proceedings before the Board of Appeal: MIP Metro Group Intellectual Property GmbH & Co. KG (Düsseldorf, Germany)

Details of the proceedings before OHIM

Applicant: Applicant

Trade mark at issue: Community word mark 'Sigma' — Application No 10 779 734

Procedure before OHIM: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of OHIM of 23 March 2015 in Case R 1444/2014-4

Form of order sought

The applicant claims that the Court should:

— annul the contested decision and the decision of OHIM of 28 April 2014 and reject the opponent's/defendant's opposition;

— order OHIM to pay the costs.

Plea in law

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

Action brought on 22 May 2015 — Apcoa Parking Holdings v OHIM (PARKWAY)

(Case T-268/15)

(2015/C 245/49)

Language of the case: German

Parties

Applicant: Apcoa Parking Holdings GmbH (Stuttgart, Germany) (represented by: A. Lohmann, lawyer)

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

Details of the proceedings before OHIM

Trade mark at issue: Community figurative mark containing the word element 'PARKWAY' — Application No 12 567 021

Contested decision: Decision of the Fourth Board of Appeal of OHIM of 25 March 2015 in Case R 2063/2014-4

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— order OHIM to pay the costs, including the costs incurred in the course of the appeal proceedings.

Pleas in law

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

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

Action brought on 22 May 2015 — Apcoa Parking Holdings v OHIM (PARKWAY)

(Case T-272/15)

(2015/C 245/50)

Language of the case: German

Parties

Applicant: Apcoa Parking Holdings GmbH (Stuttgart, Germany) (represented by: A. Lohmann, lawyer)

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

Details of the proceedings before OHIM

Trade mark at issue: Community word mark 'PARKWAY' — Application No 12 248 278

Contested decision: Decision of the Fourth Board of Appeal of OHIM of 25 March 2015 in Case R 2062/2014-4

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— order OHIM to pay the costs, including the costs incurred in the course of the appeal proceedings.

Pleas in law

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

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

Action brought on 13 May 2015 — Permapore v OHIM — José Joaquim Oliveira II - Jardins & Afins (Terraway)

(Case T-277/15)

(2015/C 245/51)

Language in which the application was lodged: Portuguese

Parties

Applicant: Permapore Ltd (Nenagh, Tipperary, Ireland) (represented by: J. Sales, lawyer)

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

Other party to the proceedings before the Board of Appeal: José Joaquim Oliveira II — Jardins & Afins Lda (Grijó, Portugal)

Details of the proceedings before OHIM

Applicant: Applicant

Trade mark at issue: Community figurative mark including the word element 'Terraway' — Application for registration No 11 988 301

Procedure before OHIM: Opposition proceedings

Contested decision: Decision of the First Board of Appeal of OHIM of 5 March 2015 in Case R 2496/2014-1

Form of order sought

The applicant claims that the Court should:

— Set aside the decision of the Board of Appeal of OHIM and substitute it with one which makes a ruling or which orders that a ruling be made — at length — on the substantive/material issues, and not just the issue of whether the court fee was paid in good time;

Pleas in law

— The applicant claims that he paid the fee for appeal, provided for in Article 60 of Regulation No 207/2009, on 20 November 2014;

— In terms of the substance of the case, the applicant alleges infringement of Article 52(1)(a) and (b), Article 7(1)(g) and the last part of Article 54(2) of Regulation No 207/2009.

Action brought on 2 June 2015 — Hamas v Council

(Case T-289/15)

(2015/C 245/52)

Language of the case: French

Parties

Applicant: Hamas (Doha, Qatar) (represented by: L. Glock, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

— annul Council Decision (CFSP) 2015/521 of 26 March 2015 updating and amending the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP on the application of specific measures to combat terrorism, and repealing Decision 2014/483/CFSP in so far as it concerns Hamas (including Hamas-Izz-al-Din-al-Quassem);

— annul Council Implementing Regulation (EU) 2015/513 of 26 March 2015 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Implementing Regulation (EU) No 790/2014 in so far as it concerns Hamas (including Hamas-Izz-al-Din-al-Quassem);

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

Pleas in law and main arguments

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

1. First plea in law: infringement of Article 1(4) of Common Position No 2001/93 ([1]) in so far as the national decisions relied on by the Council do not satisfy the conditions laid down by that article for a decision to be considered as taken by a competent authority.

2. Second plea in law: incorrect statement of the facts, since the main facts cited by the Council are not substantiated by any evidence.

3. Third plea in law: mistaken characterisation of Hamas as a terrorist group.

4. Fourth plea in law: infringement of the principle of non-interference which prevents Hamas, a lawful political movement that won the Palestinian elections and forms the core of the Palestinian government, from being characterised as a terrorist group.

5. Fifth plea in law: infringement of the duty to state reasons by the Council.

6. Sixth plea in law: infringement of the applicant's right of defence and its right to effective judicial protection in the course of the national proceedings.

7. Seventh plea in law: infringement of the right to property in so far as the freezing of the applicant's funds unjustifiably infringes its right to property.

([1]) Council Common Position of 27 December 2001 on the application of specific measures to combat terrorism (OJ 2001 L 344, p. 93).

Appeal brought on 8 June 2015 by Ángel Coedo Suárez against the judgment of the Civil Service Tribunal of 26 March 2015 in Case F-38/14, Coedo Suárez v Council

(Case T-297/15 P)

(2015/C 245/53)

Language of the case: French

Parties

Appellant: Ángel Coedo Suárez (Brussels, Belgium) (represented by S. Rodrigues and C. Bernard-Glanz, lawyers)

Other party to the proceedings: Council of the European Union

Form of order sought

The appellant claims that the Court should:

— declare the present appeal admissible;

— set aside the judgment of the European Union Civil Service Tribunal (First Chamber) of 26 March 2015 in *Coedo Suárez* v *Council* (F-38/14, EU:F:2015:25);

— grant the application for annulment made by the appellant at first instance;

— order the Council to pay the costs of both sets of proceedings.

Pleas in law and main arguments

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

1. First plea in law, alleging a distortion of the facts and evidence, and an error of law, in that the Civil Service Tribunal held that the appointing authority had not committed a manifest error of assessment in finding that the appellant's ill health did not constitute an extenuating circumstance.

2. Second plea in law, alleging infringement of the duty to state reasons.

Action brought on 8 June 2015 — Atlas v OHIM (EFEKT PERLENIA)

(Case T-298/15)

(2015/C 245/54)

Language of the case: Polish

Parties

Applicant: Atlas sp. z. o.o. (Łódz, Poland) (represented by R. Rumpel, lawyer)

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

Details of the proceedings before OHIM

Trade mark at issue: Community figurative mark containing the word elements 'EFEKT PERLENIA' — Application for registration No 12 668 125.

Contested decision: Decision of the Fifth Board of Appeal of OHIM of 13 March 2015 in Case R 2352/2014-5.

Form of order sought

The applicant claims that Court should:

— declare the action to be well founded;

— set aside the contested decision in so far as it rejected the application for registration;

— amend the contested decision in such a way that the mark may be registered for all of the goods and services claimed;

— order OHIM to pay the costs.

Plea in law

— Breach of Article 7(1)(c) of Regulation No 207/2009.

Action brought on 1 June 2015 — Barqawi v Council

(Case T-303/15)

(2015/C 245/55)

Language of the case: French

Parties

Applicant: Ahmad Barqawi (Dubai, United Arab Emirates) (represented by: J.-P. Buyle and L. Cloquet, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

— annul Council Implementing Regulation (EU) No 2015/375 of 6 March 2015 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria, in so far as it concerns the applicant;

— annul Council Implementing Decision (CFSP) 2015/383 of 6 March 2015 implementing Decision 2013/255/CFSP concerning restrictive measures against Syria, in so far as it concerns the applicant;

— order the Council to pay all the costs of the proceedings, including those incurred by the applicant.

Pleas in law and main arguments

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

1. First plea in law, alleging an infringement of the rights of the defence and of the right to a fair trial, since the applicant was never heard before the sanctions at issue were imposed.

2. Second plea in law, alleging a manifest error of appraisal of the facts, in so far as the Council failed to adduce evidence of the facts indicated which underpin the reasoning of the measures taken.

3. Third plea in law, alleging an infringement of the general principle of proportionality.

4. Fourth plea in law, alleging a disproportionate infringement of the right to property and the right to engage in an occupation.

5. Fifth plea in law, alleging an abuse of power. The applicant claims that, in so far as the measures adopted by the Council have no effect on the Syrian regime and in so far as applicant always complied with the sanctions imposed by the international community and always remained independent of the incumbent regime, there is reason to believe that the contested measures were adopted for reasons other than those indicated in those measures (market exclusion — favouring other players).

6. Sixth plea in law, alleging an infringement of the obligation to state reasons, since the Council's reasons in support of the contested measures are elliptical and make no reference to specific facts or dates allowing the applicant to identify the commercial operations which he is alleged to have carried out.

Action brought on 1 June 2015 — Abdulkarim v Council

(Case T-304/15)

(2015/C 245/56)

Language of the case: French

Parties

Applicant: Mouhamad Wael Abdulkarim (Dubai, United Arab Emirates) (represented by: J.-P. Buyle and L. Cloquet, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

— annul Council Implementing Regulation (EU) No 2015/375 of 6 March 2015 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria, in so far as it concerns the applicant;

— annul Council Implementing Decision (CFSP) 2015/383 of 6 March 2015 implementing Decision 2013/255/CFSP concerning restrictive measures against Syria, in so far as it concerns the applicant;

— order the Council to pay all the costs of the proceedings, including those incurred by the applicant.

Pleas in law and main arguments

In support of the action, the applicant relies on six pleas in law which are essentially identical or similar to those invoked in the context of Case T-303/15 *Barqawi* v *Council*.

EUROPEAN UNION CIVIL SERVICE TRIBUNAL

Judgment of the Civil Service Tribunal (First Chamber) of 18 June 2015 — CX v Commission

(Case F-27/13) ([1])

(Civil Service — Disciplinary procedure — Respective roles and powers of the Disciplinary Board and the Appointing Authority — Disciplinary penalty — Reduction in grade followed by a decision on promotion — Proportionality of the penalty)

(2015/C 245/57)

Language of the case: French

Parties

Applicant: CX (represented by: É. Boigelot, lawyer)

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

Re:

Application for annulment of the decisions to reduce the applicant to grade AD 8 under Article 9(1)(f) of Annex IX to the Staff Regulations and a claim for damages for the material and non-material harm allegedly suffered.

Operative part of the judgment

The Tribunal:

1. *Dismisses the action;*

2. *Orders CX to bear his own costs and to pay the costs incurred by the European Commission.*

([1]) OJ C 207, 20.7.2013, p. 56.

Judgment of the Civil Service Tribunal (First Chamber) of 18 June 2015 — CX v Commission

(Case F-5/14) ([1])

(Civil Service — Officials — Disciplinary penalty — Removal from post — Failure by the Appointing Authority to hear the official concerned — Failure to uphold the right to be heard)

(2015/C 245/58)

Language of the case: French

Parties

Applicant: CX (represented by: É. Boigelot, lawyer)

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

Re:

Application to annul the Commission's decision to remove the applicant from his post under Article 9(1)(h) of Annex IX to the Staff Regulations without reducing his pension entitlement following an internal investigation begun following an investigation by OLAF opened against an undertaking, and a claim for damages and interest for the non-material and material harm allegedly suffered.

Operative part of the judgment

The Tribunal:

1. *Annuls the decision of 16 October 2013 by which the European Commission imposed the penalty of removal from his post on CX without reducing his pension entitlement;*

2. *Dismisses the remainder of the action;*

3. *Orders the European Commission to bear its own costs and to pay the costs incurred by CX, including those of the interim proceedings in Case F-5/14 R.*

(1) OJ C 85, 22.3.2014, p. 27.

Judgment of the Civil Service Tribunal (1st Chamber) of 9 June 2015 — EF v EEAS

(Case F-65/14) (1)

(Civil service — Member of staff of the EEAS — Officials — 2013 promotion procedure — Decision not to promote the applicant to grade AD 13 — Applicant's objection to the list of officials proposed for promotion — Article 45 of the Staff Regulations — Completion of a minimum of 2 years in the grade — Calculation of the two-year period — Date of the promotion decision)

(2015/C 245/59)

Language of the case: French

Parties

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

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

Re:

Application for annulment of the decisions refusing to promote the applicant to grade AD 13 under the 2013 promotion procedure even though he was included on the list of official eligible for promotion.

Operative part of the judgment

The Tribunal:

1. *Dismisses the action;*

2. *Declares that EF is to bear his own costs and orders him to pay the costs incurred by the European External Action Service.*

(1) OJ C 380, 27/10/2014, p. 26.

Action brought on 27 April 2015 — ZZ v Frontex

(Case F-68/15)

(2015/C 245/60)

Language of the case: French

Parties

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

Defendant: European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex)

Subject-matter and description of the proceedings

Annulment of the applicant's appraisal report for 2009 and the claim for damages for the non-material damage allegedly suffered.

Form of order sought

— Annul the appraisal report of 4 July 2014 notified to the applicant on 12 July 2014, in so far as it amends the initial report;

— order Frontex to pay the applicant EUR 4 000 by way of damages;

— order Frontex to pay the costs.

Action brought on 28 April 2015 — ZZ v Commission

(Case F-70/15)

(2015/C 245/61)

Language of the case: French

Parties

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

Defendant: European Commission

Subject-matter and description of the proceedings

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

Form of order sought

The applicant claims that the Tribunal should:

— declare illegal Article 9 of the general implementing provisions for Article 11(2) of Annex VIII to the Staff Regulations;

— annul the decision of 28 July 2014 confirming the transfer of the pension rights acquired by the applicant prior to joining the service in accordance with the general implementing provisions, adopted on 3 March 2011, for Article 11(2) of Annex VII to the Staff Regulations;

— order the European Commission to pay the costs.

Action brought on 4 May 2015 — ZZ v ECDC

(Case F-71/15)

(2015/C 245/62)

Language of the case: French

Parties

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

Defendant: European Centre for Disease Prevention and Control (ECDC)

Subject-matter and description of the proceedings

Application for annulment of the appeal assessor's decision establishing the definitive version of the applicant's staff report in respect of 2013.

Form of order sought

The applicant claims that the Tribunal should:

— annul the appeal assessor's decision establishing the definitive version of the applicant's staff report in respect of 2013;

— order the ECDC to pay the costs.

Action brought on 6 May 2015 — ZZ v Parliament

(Case F-73/15)

(2015/C 245/63)

Language of the case: French

Parties

Applicant: ZZ (represented by: Mr Casado García-Hirschfeld, lawyer)

Defendant: European Parliament

Subject-matter and description of the proceedings

Annulment of the decision not to grant daily subsistence allowance to the applicant following his transfer from the Commission, where he was posted to the EU's delegation in Yemen, to the European Parliament in Brussels.

Form of order sought

— Annul the contested decision of 8 July 2014;

— where appropriate, annul the decision of the Secretary-General of the European Parliament of 3 February 2015;

— order the Parliament to grant the daily subsistence allowance to the applicant, together with interest from the dates on which those amounts became payable pursuant to Annex VII to the Staff Regulations;

— order the European Parliament to pay all the costs.

Action brought on 15 May 2015 — ZZ v Council

(Case F-76/15)

(2015/C 245/64)

Language of the case: French

Parties

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

Defendant: Council of the European Union

Subject-matter and description of the proceedings

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

Form of order sought

— Annul the decision of the Brussels Settlements Office of 8 April 2014 rejecting the application for extension of the recognition of the illness suffered by the applicant's son as a serious illness and for the medical expenses connected therewith to be reimbursed at 100 %;

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

Action brought on 18 May 2015 — ZZ v Commission

(Case F-77/15)

(2015/C 245/65)

Language of the case: French

Parties

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

Defendant: Commission

Subject-matter and description of the proceedings

The annulment of the decision to limit the retroactive payment of the expatriation allowance to a period of five years, from the date on which the failure to pay that allowance was discovered and an order against the defendant to pay default interest.

Form of order sought

— Annul the decision of the Office for Administration and Payment of Individual Entitlements (PMO) to limit the payment of the expatriation allowance, which had been wrongly omitted since 1 September 2007, to a period of five years;

— order the Commission to pay to the applicant the expatriation allowances that he has been entitled to since 1 September 2007 plus default interest calculated at the rate laid down by the European Central Bank for its main refinancing operations, increased by two percentage points on the sums already paid to the applicant by way of arrears of remuneration (expatriation allowance) and on those sums still due, from their respective due date until full payment;

— order the Commission to pay the costs.

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