

Pleas in law and main arguments

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

1. The decision was adopted as a result of an unlawful duplication of the controls made pursuant to Article 30 of Council Regulation (EC) No 1260/99 of 21 June 1999 laying down general provisions on the Structural Funds (OJ 1999 L 161, p. 1), which were re-opened and repeated in the audit of 2008 despite those controls having been undertaken and concluded, at least in so far as all of the expenditure certified on 31 December 2006 is concerned, in the audits of 2005 and 2006.
2. The contested decision is vitiated by an infringement of the principle of proper administration because the Commission communicated the results of the 2008 audit with a delay of 18 months after the task had been completed.
3. The contested decision misrepresents the facts because it ignores the fact that, in the period following the audits of 2005 and 2006, the error rate literally collapsed from 53,13 % to 3,05 % in 2007, and to 1,45 % in 2008 and 2009.
4. The contested decision infringes the principle of proportionality because it fails to take account of the fact that the certified expenditure for the three years 2007 to 2009, affected by a minimal error rate, was equal to approximately half the total value of the programme covered by the ESF.
5. The contested decision is unfounded in fact and in law, because it extends to the following three years the finding of systematic deficiencies which arose and were resolved in the period up to 31 December 2006, without undertaking any specific verification in that regard.
6. The contested decision is also vitiated by a defective statement of reasons. According to the applicant, that decision applies the extrapolation technique, which consists in extending to non-controlled expenditure the error rate found for controlled expenditure, even though that technique is allowed only by regulations relating to the 2007-2013 programme; in any event, for the years 2007-2009, it assumed an error rate of 8,39 %, even though the Italian authorities had explained that the sample referred to in Article 10 of Commission Regulation (EC) No 438/2001 of 2 March 2001 laying down detailed rules for the implementation of Council Regulation (EC) No 1260/1999 as regards the management and control systems for assistance granted under the Structural Funds (OJ 2001 L 63, p. 21) lacked balance because it had not been compiled randomly, like a genuine statistical sample, but focussed intentionally on projects that presented risk factors.

Action brought on 26 February 2016 — Rheinmetall Waffe Munition v EUIPO (VANGUARD)**(Case T-93/16)**

(2016/C 136/59)

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

Applicant: Rheinmetall Waffe Munition GmbH (Südheide, Germany) (represented by: J. Schmidt, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: International registration designating the European Union in respect of the mark 'VANGUARD' — Application for registration No 11 166 003

Contested decision: Decision of the Second Board of Appeal of EUIPO of 19 November 2015 in Case R 69/2015-2

Form of order sought

The applicant claims that the Court should:

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

Order of the General Court of 2 March 2016 — Société générale v Commission**(Case T-98/14) ⁽¹⁾**

(2016/C 136/60)

Language of the case: French

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

⁽¹⁾ OJ C 142, 12.5.2014.

Order of the General Court of 29 February 2016 — Micula and Others v Commission**(Case T-646/14) ⁽¹⁾**

(2016/C 136/61)

Language of the case: English

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

⁽¹⁾ OJ C 439, 8.12.2014.

Order of the General Court of 15 February 2016 — Gascogne Sack Deutschland and Gascogne v European Union**(Case T-843/14) ⁽¹⁾**

(2016/C 136/62)

Language of the case: French

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

⁽¹⁾ OJ C 56, 16.2.2015.
