

Order of the General Court of 1 February 2018 — ExpressVPN v EUIPO (EXPRESSVPN)(Case T-265/17) ⁽¹⁾**(EU trade mark — International registration designating the European Union — Figurative mark EXPRESSVPN — Absolute ground for refusal — Application for alteration — Single head of claim — Inadmissibility)**

(2018/C 112/41)

*Language of the case: English***Parties***Applicant:* ExpressVPN Ltd (Glen Vine, Isle of Man) (represented by: A. Muir Wood, Barrister)*Defendant:* European Union Intellectual Property Office (represented by: J. Ivanauskas, acting as Agent)**Re:**

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 16 February 2017 (Case R 1352/2016-5), concerning the international registration designating the European Union No 1 265 562 of the figurative mark EXPRESSVPN.

Operative part of the order

1. *The action is dismissed.*
2. *ExpressVPN Ltd is ordered to pay the costs.*

⁽¹⁾ OJ C 202, 26.6.2017.

Action brought on 16 January 2018 — Hellenic Republic v Commission

(Case T-14/18)

(2018/C 112/42)

*Language of the case: Greek***Parties***Applicant:* Hellenic Republic (represented by: G. Kanellopoulos, E. Leftheriotou and E. Chroni, acting as Agents)*Defendant:* European Commission**Form of order sought**

The applicant claims that the General Court should:

- Annul the contested decision in so far as it excludes from European Union financing expenditure incurred by the Hellenic Republic with respect to area aid for the year 2014 which corresponds to 5 % of the total costs incurred with respect to pasture-related aid, gross amount EUR 15 583 893,42 (net amount EUR 12 482 555,68).
- Order the defendant to pay the legal costs of the Hellenic Republic.

Pleas in law and main arguments

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

1. The first plea in law is based on the claim that as regards the imposition of the 5 % financial correction at issue with respect to pasture-related area aid, no reasons were stated, there was an error of fact, and the principle of proportionality was infringed.

2. The second plea in law is based on a claimed infringement of Article 31(2) and (3) of Council Regulation (EC) No 1290/2005 of 21 June 2005, and of Article 52(2) and (3) of Regulation (EU) No 1306/2013 of 17 December 2013, read together with Articles 12(1) to (6) and 8 of Commission Delegated Regulation (EU) No 907/2014 of 6 August 2014, and also an infringement of the Commission Guidelines in documents VI/5330797 and C(2015)3675 final/8-6-2015. It is further claimed that it is not permissible to accumulate two corrections for the same reason and that the principle of proportionality was infringed.

Action brought on 19 January 2018 — Republic of Lithuania v European Commission

(Case T-19/18)

(2018/C 112/43)

Language of the case: Lithuanian

Parties

Applicant: Republic of Lithuania (represented by: D. Kriauciūnas, R. Krasuckaitė, R. Dzikovič, G. Taluntytė, V. Vasiliauskienė, M. Palionis and A. Dapkuvienė)

Defendant: European Commission

Form of order sought

1. annul Commission Implementing Decision (EU) 2017/2014 of 8 November 2017 excluding from European Union financing certain expenditure incurred by the Member States under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD), in so far as it provides for the imposition on Lithuania of a financial correction of EUR 9 745 705,88 regarding expenditure connected with funding from the European Agricultural Fund for Rural Development;
2. annul Commission Implementing Decision (EU) 2017/2014 of 8 November 2017 excluding from European Union financing certain expenditure incurred by the Member States under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD), in so far as it provides for the imposition on Lithuania of a financial correction of EUR 546 351,91 regarding expenditure connected with funding from the European Agricultural Guarantee Fund and the European Agricultural Fund for Rural Development;
3. order the European Commission to pay the costs.

Pleas in law and main arguments

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

- I. By imposing a correction of EUR 9 745 705,88 for a deficiency in key controls, the European Commission ('the Commission') **infringed Article 52(2) of Regulation (EU) No 1306/2013** in so far as, in deciding on the gravity of the non-conformity, on the nature of the infringements and on the financial damage caused to the European Union and:
 1. relying on an incorrect interpretation of **Article 24(1) and (2)(a) of Regulation (EU) No 65/2011**, it wrongly found that the assessments of applicants' eligibility carried out in Lithuania are insufficient because:
 - 1.1 the checks carried out by Lithuanian authorities concerning the relatedness of an undertaking and a connected undertaking or a partner undertaking abroad were not thorough for the purpose of confirming the applicants' status as small or medium-sized undertakings;
 - 1.2 in Lithuania the monitoring of projects recognised as risky on account of suspected artificial conditions is ineffective;