

Defendant: Republic of Poland

Form of order sought

The Commission claims that the Court should:

— declare that, in view of (a) its failure to impose, within the national legal system, an obligation to notify the competent Polish authorities of the locations at which GMO crops are being grown pursuant to Part C of Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC, ⁽¹⁾ (b) its failure to establish a register for recording the locations at which such GMO crops are being grown, and (c) its failure to provide information to the public on the locations at which such GMO crops are being grown, the Republic of Poland has failed to meet its obligations under Article 31(3)(b) of Directive 2001/18/EC;

— order the Republic of Poland to pay the costs of the proceedings.

Pleas in law and main arguments

The period within which Directive 2001/18/EC had to be transposed expired on 17 October 2002.

⁽¹⁾ OJ 2001 L 106, p. 1.

Appeal brought on 24 September 2013 by Metropolis Inmobiliarias y Restauraciones, SL against the judgment of the General Court (Eighth Chamber) delivered on 11 July 2013 in Case T-197/12 Metropolis Inmobiliarias y Restauraciones, SL v Office for Harmonisation in the Internal Market (Trade Marks and Designs)

(Case C-509/13 P)

(2013/C 336/23)

Language of the case: German

Parties

Appellant: Metropolis Inmobiliarias y Restauraciones, SL (represented by: J. Carbonell Callicó, lawyer)

Other parties to the proceedings: Office for Harmonisation in the Internal Market (Trade Marks and Designs), MIP Metro Group Intellectual Property GmbH & Co. KG

Form of order sought

The appellant claims that the Court of Justice should:

— set aside the judgment of the General Court (Eighth Chamber) of 11 July 2013 in Case T-197/12 and, consequently, reject the application to register Community figurative mark No 7585045 METRO for services in Class 36;

— order the other parties to the proceedings to bear the costs of the proceedings.

Grounds of appeal and main arguments

The appellant essentially raises three grounds of appeal against the judgment of the General Court referred to above.

First, the appellant accuses the General Court of having infringed Article 8(1)(b) of Community trade mark Regulation No 207/2009, ⁽¹⁾ as a result of a misinterpretation of the services covered by the mark in conflict and a failure to assess the marks at issue as a whole.

Second, the General Court has delivered contradictory judgments in cases involving the same parties and in which similar marks were at issue. The judgment in Case T-284/11, which is very closely related to the present case, was not taken into account even though it was submitted in the proceedings in good time and in accordance with the procedure.

Third, the appellant submits that there were errors in the proceedings before the General Court which adversely affected its interests and which deprived it repeatedly of legal protection. In particular, the oral proceedings were carried out without the applicant, even though it had applied for them to be postponed for an important reason, and did so in accordance with the relevant procedure.

⁽¹⁾ Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark (OJ 2009 L 78, p. 1).

Appeal brought on 25 September 2013 by the Kingdom of Spain against the judgment of the General Court (Eighth Chamber) delivered on 11 July 2013 in Case T-358/08 Spain v Commission

(Case C-513/13 P)

(2013/C 336/24)

Language of the case: Spanish

Parties

Appellant: Kingdom of Spain (represented by: A. Rubio González, acting as Agent)

Other party to the proceedings: European Commission

Form of order sought

- Declare that the present appeal is well founded and set aside the judgment of the General Court of 11 July 2013 in Case T-358/08 *Kingdom of Spain v European Commission*;
- Annul Commission Decision No C(2008) 3249 of 25 June 2008 concerning the reduction of the assistance granted under the Cohesion Fund to Project No 96/11/61/018 — ‘Saneamiento de Zaragoza’ by Commission Decision No C(96) 2095 of 26 July 1996;
- Order the respondent to pay the costs.

Pleas in law and main arguments

1. **Error of law with respect to the effects of the period referred to in Article H(2) of Annex II to Council Regulation (EC) No 1164/94 ⁽¹⁾ of 16 May 1994 establishing a Cohesion Fund.** After the expiry of the period referred to,

the Commission may no longer adopt any financial correction measures and, therefore, it is obliged to make payment and the correction applied is unlawful.

2. **Error of law in relation to the concept of ‘work’, in holding that the whole of a network constitutes a single work within the meaning of Article 1(c) of Council Directive 93/37/EEC of 14 June 1993 concerning the coordination of procedures for the award of public works contracts ⁽²⁾.** The judgment under appeal departs from the case-law in Case C-16/98 *Commission v France* [2000] ECR I-8315 in failing to take account of the need for geographical continuity of the works taken as a whole and for interdependence between them, namely, the need for interconnection for the provision of the service.

⁽¹⁾ OJ L 130, 25.5.1994, p. 1.

⁽²⁾ OJ L 199, 9.8.1993, p. 54.