

**Form of order sought**

The applicants claim that the General Court should:

- admit and uphold the grounds for annulment set out in this application;
- annul Article 1 of the contested decision in so far as it declares that the new administrative interpretation of Article 12 TRLIS [texto refundido de la Ley del Impuesto sobre Sociedades (consolidated version of the Spanish law on corporate tax)] adopted by the Spanish administration must be regarded as State aid which is incompatible with the internal 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 parts 2, 3, 4 and 5 of Article 4 of the contested decision in so far as they require 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 in Article 4.2 of the contested decision in the same terms as in the First and Second Decisions; and
- order to the Commission to pay the costs.

**Pleas in law and main arguments**

The pleas in law and principal arguments are similar to those put forward in Case T-826/14 *Spain v Commission*.

The applicants claim, in particular, that the Commission erred in law in the legal classification of the measure as State aid, in the identification of the beneficiary of the measure and in the characterisation of the administrative interpretation as State aid distinct from that examined in the Commission's decisions, and that it breached the principles of the protection of legitimate expectations, of estoppel and of legal certainty.

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**Action brought on 13 January 2015 — Lufthansa AirPlus Servicekarten v OHIM — Mareea Comtur (airpass.ro)**

**(Case T-14/15)**

(2015/C 081/33)

*Language in which the application was lodged: English*

**Parties**

**Applicant:** Lufthansa AirPlus Servicekarten GmbH (Neu Isenburg, Germany) (represented by: R. Kunze, Solicitor, and G. Württenberger, lawyer)

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

**Other party to the proceedings before the Board of Appeal:** SC Mareea Comtur SRL (Deva, Romania)

**Details of the proceedings before OHIM**

**Applicant:** Other party to the proceedings before the Board of Appeal

**Trade mark at issue:** Community figurative mark containing the word elements 'airpass.ro' — Application for registration No 10 649 358

**Procedure before OHIM:** Opposition proceedings

**Contested decision:** Decision of the Fifth Board of Appeal of OHIM of 17 October 2014 in Case R 1918/2013-5

**Form of order sought**

The applicant claims that the Court should:

- Annul the contested decision in as much as it concerns the services in class 35;
- Order OHIM to pay the costs.

**Plea in law**

- Infringement of Articles 8(1)(b), 64 and 76 of Regulation No 207/2009.

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**Action brought on 13 January 2015 — Costa v Parliament**

(Case T-15/15)

(2015/C 081/34)

*Language of the case: Italian*

**Parties**

*Applicant:* Paolo Costa (Venice, Italy) (represented by: G. Orsoni and M. Romeo, lawyers)

*Defendant:* European Parliament

**Form of order sought**

The applicant claims that the Court should:

- Declare the decision of the President of the European Parliament of 11 November 2014, notified on 28 November 2014, and all prior, connected or consecutive measures, to be null and void, pursuant to Articles 263 and 264 of the Treaty on the Functioning of the European Union;
- Order the European Parliament to pay the costs in their entirety.

**Pleas in law and main arguments**

The present action is brought against Decision No 318 189 of the President of the European Parliament of 11 November 2014 concerning the suspension of the applicant's retirement pension with effect from June 2010 and the recovery of the payments received by the applicant between July 2009 and May 2010.

In support of his action, the applicant raises two pleas in law.

1. First plea in law, alleging infringement of rules of law, infringement of the Rules governing the payment of expenses and allowances to Members of the European Parliament, and infringement of Article 12 of the regulation on life-annuities applicable to Italian Members.
  - The applicant alleges, in that regard, that there has been an infringement of Article 12(2a)(v) of the regulation on life-annuities applicable to Italian Members, to which reference is made in the Rules governing the payment of expenses and allowances to Members of the European Parliament, in that it has been wrongly used to support the suspension of pension payments to the President of the Venice Port Authority.
  - In addition, he maintains that the President of an Italian Port Authority does not fall within the scope of Article 12 (2a)(v) of that regulation, as that position — as was acknowledged by the Court of Justice in its judgment of 10 September 2014 in Case C-270/13 [*Haralambidis*] — is a specialised position awarded solely on the basis of a candidate's proven professional skills in the fields of economics and transport; it does not entail any political ties, is completely separate from government appointments of a political nature, and does not involve the performance of political functions.
2. Second plea in law, alleging infringement of the Treaties and of rules of law, infringement of Articles 4, 6 and 13 of the Treaty on European Union, infringement of Article 1 of the Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) concerning the protection of property, breach of the principle of legitimate expectations, and breach of the principle of good faith.