

**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.

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**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.

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**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.

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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.

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## **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.