

Action brought on 11 January 2019 — INC and Consorzio Stabile Sis v Commission**(Case T-24/19)**

(2019/C 93/94)

*Language of the case: English***Parties**

Applicants: INC SpA (Turin, Italy) and Consorzio Stabile Sis SCpA (Turin) (represented by: H.-G. Kamann, F. Louis and G. Tzifa, lawyers)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

- annul Commission decision C(2018) 2435 final of 27 April 2018 in Cases SA. 49335 (2017/N) and SA.49336 (2017/N); ⁽¹⁾
- order the Commission to pay the costs.

Pleas in law and main arguments

In support of the action, the applicants rely on one plea in law for each of the two separate instances of alleged State aid.

1. Plea in law in respect of Case SA.49336 (2017/N), alleging that, by adopting the contested decision, the Commission failed to open the formal investigation procedure provided for in Article 108(2) TFEU and Articles 4(4) and 6 of Regulation (EU) 2015/1589, ⁽²⁾ despite the existence of serious difficulties encountered during the preliminary examination procedure as regards the compatibility of the notified individual State aid in relation to an Italian toll motorway operator (Autostrade per l'Italia SpA) with the internal market. The applicants allege that the Commission thereby breached Article 108(3) TFEU and Article 4(3) of Regulation 2015/1589.
2. Plea in law in respect of Case SA.49335 (2017/N), alleging that, by adopting the contested decision, the Commission failed to open the formal investigation procedure provided for in Article 108(2) TFEU and Articles 4(4) and 6 of Regulation (EU) 2015/1589, despite the existence of serious difficulties encountered during the preliminary examination procedure as regards the compatibility of the notified individual State aid in relation to a second Italian toll motorway operator (Società Iniziative Autostradali e Servizi Spa) with the internal market. The applicants allege that the Commission thereby breached Article 108(3) TFEU and Article 4(3) of Regulation (EU) 2015/1589.

⁽¹⁾ OJ 2018 C 379, p. 3.

⁽²⁾ Council Regulation (EU) 2015/1589 of 13 July 2015 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union (OJ 2015 L 248, p. 9).

Action brought on 15 January 2019 — Idea Groupe v EUIPO — The Logistical Approach (Idealogistic Verhoeven Greatest care in getting it there)**(Case T-29/19)**

(2019/C 93/95)

*Language in which the application was lodged: French***Parties**

Applicant: Idea Groupe (Montoir de Bretagne, France) (represented by: P. Langlais, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: The Logistical Approach BV (Uden, Netherlands)

Details of the proceedings before EUIPO

Applicant for the trade mark at issue: Other party to the proceedings before the Board of Appeal

Trade mark at issue: Application for EU figurative mark Idealogistic Verhoeven Greatest care in getting it there in the colours black, white and shades of blue — Application for registration No 14 567 184

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 12 November 2018 in Case R 2064/2017-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs;
- order the company The Logistical Approach B.V to pay the costs occasioned by its intervention, should it intervene.

Pleas in law

- Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 8(4) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 17 January 2019 — Benavides Torres/Council

(Case T-35/19)

(2019/C 93/96)

Language of the case: English

Parties

Applicant: Antonio José Benavides Torres (Caracas, Venezuela) (represented by: L. Giuliano and F. Di Gianni, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul Council Decision (CFSP) 2018/1656 ⁽¹⁾ and Council Implementing Regulation (EU) 2018/1653, ⁽²⁾ in so far as their provisions concern the applicant; and
- order the defendant to pay costs.