

Action brought on 22 March 2017 — EKETA v Commission**(Case T-190/17)**

(2017/C 151/56)

*Language of the case: Greek***Parties**

Applicant: Ethniko Kentro Erevnas kai Technologikis Anaptyxis (EKETA) (Thessaloniki, Greece) (represented by: V. Christianos and S. Paliou, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the General Court should:

- declare that the request made by the European Commission to EKETA to reimburse the amount of EUR 172 992,15 of the payment received by it for the CATER project, that request being made in the debit note 3241615289/29.11.2016, is unfounded with respect to the sum of EUR 112 737,15;
- declare that the sum of EUR 112 737,15 constitutes eligible costs and that EKETA is not obliged to repay that sum to the European Commission, and
- order the European Commission to pay the applicant's costs.

Pleas in law and main arguments

1. By this action, the Ethniko Kentro Erevnas kai Technologikis Anaptyxis (EKETA) challenges the requests made by the Commission by means of its debit note 3241615289/29.11.2016, in relation to participation in the CATER project. By means of that debit note, the Commission requested that EKETA reimburse part of the payment received by it for the CATER project, a sum of EUR 172 992,15. The request follows an on-the-spot audit which was carried out by the European Commission at the applicant's premises.
2. In that context, the applicant claims that the General Court of the European Union, under Article 272 TFEU, should declare that, out of the above amount stated in the debit note, the sum of EUR 112 737,15 constitutes eligible costs and that EKETA is not obliged to repay that sum to the Commission.
3. EKETA maintains that the above amount of EUR 112 737,15 constitutes eligible staff costs and indirect costs, which the Commission wrongly rejected as being ineligible. The eligibility of the applicant's costs is demonstrated by the evidence that it submitted to the European Commission at the on-the-spot audit and in subsequent correspondence and that it submits to the General Court.

Action brought on 27 March 2017 — CeramTec v EUIPO — C5 Medical Werks (Shade of pink)**(Case T-195/17)**

(2017/C 151/57)

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

Applicant: CeramTec (Plochingen, Germany) (represented by: A. Renck and E. Nicolás Gómez, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: C5 Medical Werks (Grand Junction, Colorado, United States)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Applicant