

Form of order sought

- Declare null and void the Decision of the Committee on Petitions of 20 June 2007 on Petition No 0095/2007;
- Order the defendant to pay the costs.

Pleas in law and main arguments

The applicant contests the Decision of the Committee on Petitions of the European Parliament of 20 June 2007, by which the petition submitted by the applicant in accordance with Article 191(6) of the Rules of Procedure of the European Parliament was put on the file without further action being taken. The applicant's petition relates to the partial recovery of the candidate's remuneration paid during his pre-service training for the career of senior general administrator with the municipality of Brunswick.

In support of his application, the applicant submits that the contested decision is not sufficiently well founded. In addition, he points out that the requirements for submission of a petition under Article 194 EC are met, in particular that it relates to a matter which comes within the Community's fields of activity and which affects him directly.

Action brought on 27 August 2007 — Commission v B2Test

(Case T-317/07)

(2007/C 269/90)

*Language of the case: French***Parties**

Applicant: Commission of the European Communities (Brussels, Belgium) (represented by: L. Escobar Guerrero, agent, and E. Bouttier, lawyer)

Defendant: B2Test (Gardanne, France)

Form of order sought

- order B2Test to pay to the applicant the sum of EUR 50 110,72, corresponding to the principal sum owed of EUR 43 437,94 and the sum of EUR 6 672,78 owed by way of default interest, due as of 23 December 2004;
- order B2Test to pay interest amounting to EUR 8,03 per day at the same rate with effect from 24 December 2004 until the entire amount due has been paid in full;
- order B2Test to pay the costs.

Pleas in law and main arguments

By the present action based on an arbitration clause, the applicant requests that the defendant be ordered to repay the advance paid by the Community, together with default interest, as a result of the non-performance of Contract No

BRST-CT-98-5452, concluded in the context of a specific programme for research and technological development, including demonstration, in the field of industrial and materials technologies (1994-1998) ⁽¹⁾ and concerning the project 'Research and development of a new safety flooring based on recycled plastic and rubber materials for an environmental and economic added value'.

Under the contract, the defendant was required regularly to submit to the Commission the scientific and financial documents referred to in the contract. According to the applicant, only part of the documents required under the contract were forwarded by the defendant almost three years after the dates laid down in the contract. The final report on the project was never forwarded. The applicant therefore submits that the defendant failed to fulfil its contractual obligations and is required to repay to the Commission the advances which it initially paid to the defendant.

⁽¹⁾ OJ 1994 L 222, p. 19.

Action brought on 28 August 2007 — Lufthansa AirPlus Servicekarten v OHMI — Applus Servicios Tecnológicos (A+)

(Case T-321/07)

(2007/C 269/91)

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

Applicant: Lufthansa AirPlus Servicekarten GbmH (Neu Isenburg, Germany) (represented by: G. Würtenberger, T. Wittmann, lawyers)

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

Other party to the proceedings before the Board of Appeal: Applus Servicios Tecnológicos, S.L. (formerly Agbar Automotive, S.L.) (Barcelona, Spain)

Form of order sought

- That the decision of the Second Board of Appeal dated 7 June 2007 in Case R 310/2006-2, pertaining to the opposition based on Community trademark registration No 2 335 693 'Airplus International' against Community trademark application No 2 933 356 'A+' be annulled;
- that the opposition against Community trademark application No 2 933 356 'A+' be granted and application for registration of Community trademark registration No 2 933 356 'A+' be rejected;
- that the defendant pays the costs of the proceedings.