

3. Even if it were accepted that, in the present circumstances, Regulation No 1605/2002 could be used, the contested decision is invalid on the ground that it was issued in breach of the conditions laid down for offsetting by that regulation, or, to be more precise, Commission Regulation No 2342/2002 ⁽¹⁾, which implements Regulation No 1605/2002 and lays down the offsetting procedure.
4. Lastly, the contested decision is invalid on the ground that it contains no statement of reasons.

⁽¹⁾ OJ L 248, 16.9.2002, p. 1.

⁽²⁾ Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities, OJ L 357, 31.12.2002, p. 1.

Mrs Cirese, jointly and severally, reimburse the sum of EUR 7 412, together with default interest, being the advance paid by the applicant to EURGIT to carry out project No 97/GR/098, financed in the framework of the GROTIUS programme of incentives and exchanges for legal practitioners.

The Commission submits that, under paragraph 7 of the 'statement by the beneficiary of a financial contribution', the beneficiary undertakes, where items of expenditure incurred cannot justify the use of the financial contribution received, to reimburse, upon its request, sums already paid which are not justified.

Since EURGIT has failed, within the prescribed period, to justify the use of the sum advanced by the Commission, there can be no doubt that the defendant and any person acting in its name or on its behalf is liable for the reimbursement of the advance paid.

Action brought on 23 October 2008 — Commission v Eurgit and Cirese

(Case T-470/08)

(2008/C 327/70)

Language of the case: Italian

Parties

Applicant: Commission of the European Communities (represented by: M. Moretto, lawyer, A. M. Rouchaud-Joët and N. Bambara, agents)

Defendants: Associazione dei Giuristi Italiani per le Comunità Europee — Eurgit (Rome, Italy) and Vania Cirese (Rome, Italy)

Form of order sought

- Order EURGIT and Mrs Vania Cirese, both jointly and severally, to reimburse the principal sum due of EUR 7 142, together with default interest at the statutory interest rate applicable in Belgium with effect from 11 November 2002 until full payment of the sums due;
- order EURGIT and Mrs Vania Cirese, both jointly and severally, to pay the costs.

Pleas in law and main arguments

The present action is brought by the European Commission pursuant to Article 238 EC for an order that EURGIT and

Action brought on 4 November 2008 — Media-Saturn v OHIM (BEST BUY)

(Case T-476/08)

(2008/C 327/71)

Language of the case: German

Parties

Applicant: Media-Saturn-Holding GmbH (Ingolstadt, Germany) (represented by K. Lewinsky, lawyer)

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

Form of order sought

- Annul the decision of the Fourth Board of Appeal of OHIM of 28 August 2008 in appeal proceedings R 0591/2008-4; and
- Order OHIM to pay the costs of these proceedings and the costs incurred before the Board of Appeal.

Pleas in law and main arguments

Community trade mark concerned: Figurative mark 'Best Buy' for goods and services in Classes 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 20, 21, 22, 27, 28, 35, 37, 38, 40, 41 and 42 (No 5 189 550).