

Finally, the applicant claims that procedural rights were infringed with respect to transparency and the right to legal protection, such as an infringement of the right of access to the file.

Action brought on 23 November 2009 — Hellenic Republic v Commission

(Case T-469/09)

(2010/C 24/109)

Language of the case: Greek

Parties

Applicant: Hellenic Republic (represented by: I. Khalkias and S. Papaioannou)

Defendant: European Commission

Form of order sought

— annul the contested Commission decision in its entirety;

— order the Commission to pay the costs.

Pleas in law and main arguments

In its action contesting Commission Decision C(2009) 7044 final of 24 September 2009 excluding from Community financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF), under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD) (OJ 2009 L 257, p. 28) in so far as the decision concerns financial corrections to its detriment, the Hellenic Republic puts forward the following two pleas for annulment.

By the first plea for annulment, concerning the fruit and vegetable (tomato) processing sector, the applicant pleads incorrect interpretation and application of Article 28(1)(f), Article 28(2), Article 31(1) and (2) and Article 3(2) of Regulation (EC) No 1535/2003⁽¹⁾ and of the guidelines AGRI VI 5330/97, 17933/2000 and 63983/2002 concerning financial corrections, given that in that sector all the key controls were effected satisfactorily and there were deficiencies only in ancillary secondary controls.

By the second plea for annulment, concerning the public storage of rice, the applicant submits that there is no valid legal basis for imposing the correction, since the Commission misinterpreted Articles 4 and 6 of Regulation (EC) No 2148/1996,⁽²⁾ or in the alternative that the principle of proportionality has been infringed.

⁽¹⁾ Commission Regulation (EC) No 1535/2003 of 29 August 2003 laying down detailed rules for applying Council Regulation (EC) No 2201/96 as regards the aid scheme for products processed from fruit and vegetables (OJ 2003 L 218, p. 14).

⁽²⁾ Commission Regulation (EC) No 2148/96 of 8 November 1996 laying down rules for evaluating and monitoring public intervention stocks of agricultural products (OJ 1996 L 288, p. 6).

Action brought on 30 November 2009 — medi v OHIM (medi)

(Case T-470/09)

(2010/C 24/110)

Language in which the application was lodged: German

Parties

Applicant: medi GmbH & Co. KG (Bayreuth, Germany) (represented by H. Lindner und D. Terheggen, lawyers)

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 the Office for Harmonisation in the Internal Market (OHIM) of 1 October 2009 in Case R 692/2008-4, insofar as the complaint was dismissed;

— annul OHIM's Decision of 26 February 2008 to refuse Community trade mark application No 5 378 021;

— allow publication in full of Community trade mark application No 5 378 021;

— order OHIM to pay the costs of the proceedings.

Pleas in law and main arguments

Community trade mark concerned: Word mark 'medi' for goods and services in Classes 1, 3, 5, 9, 10, 17, 35, 38, 39, 41, 42 and 44 (Application No 5 378 021)