

*Pleas in law:* Infringement of Article 8(1)(b) of Regulation (EC) No 207/2009,<sup>(1)</sup> since there is a likelihood of confusion between the opposing marks.

<sup>(1)</sup> Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark (OJ 2009 L 78, p. 1).

**Action brought on 23 April 2010 — Reagens v Commission**

(Case T-181/10)

(2010/C 179/74)

*Language of the case: English*

**Parties**

*Applicant:* Reagens SpA (San Giorgio di Piano, Italy) (represented by: B. O'Connor, Solicitor and L. Toffoletti, D. Gullo and E. De Giorgi, lawyers)

*Defendant:* European Commission

**Form of order sought**

— Annul Commission Decision of 23 February 2010 rendered in the framework of the confirmatory application for access to documents GESTDEM 2009/5145 (SG.E.3/HP/cr-Ares (2010)95823);

— Require the Commission to make the documents listed on page 3 of the contested decision publicly available (in their non confidential form); and

— Order the Commission to pay the costs.

**Pleas in law and main arguments**

By means of its application, the applicant seeks, pursuant to Article 263 TFUE, the annulment of Commission Decision of 23 February 2010 rendered in the framework of the confirmatory application for access to documents GESTDEM 2009/5145 (SG.E.3/HP/cr-Ares (2010)95823), relating to a proceeding under Regulation (EC) No 1049/2001<sup>(1)</sup>. The decision concerned the request for access to documents relating to applications for inability to pay a fine imposed on the applicant for an infringement of Articles 81 EC and 53 EEA (Case COMP/38589 — Heat Stabilisers).

In support of its submissions, the applicant puts forward the following pleas in law:

The Commission made a manifest error in law applying in an extensive manner the exceptions under Article 4 of Regulation No 1049/2001.

In addition, the Commission made a manifest error in law rejecting the request of access to documents on the basis of a defence of the commercial interests of the undertakings and to protect the purpose of the investigation.

Furthermore, the Commission breached the right of the applicant to have access to the non confidential versions of the documents under Regulation No 1049/2001, by the denial of granting partial access.

Finally, the Commission breached the principles of sound administration, legitimate expectations, as well as the principle that the administration should be lawful, by denying access to the information needed in order to establish how the Commission applies paragraph 35 of the Guidelines on the method of setting fines<sup>(2)</sup>.

<sup>(1)</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ L 145, p. 43.

<sup>(2)</sup> Guidelines on the method of setting fines imposed pursuant to Article 23(2)(a) of Regulation No 1/2003, OJ C 210, p. 2.

**Action brought on 22 April 2010 — Sviluppo Globale v Commission**

(Case T-183/10)

(2010/C 179/75)

*Language of the case: Italian*

**Parties**

*Applicant:* Sviluppo Globale GEIE (Rome, Italy) (represented by: F. Sciaudone, lawyer, R. Sciaudone, lawyer, and A. Neri, lawyer)

*Defendant:* European Commission

**Form of order sought**

— Annul the Commission decision of 14 February 2010;

— Order the Commission to pay the costs.