

Action brought on 30 April 2010 — Stichting Woonpunt and Others v Commission

(Case T-203/10)

(2010/C 179/87)

Language of the case: Dutch

Parties

Applicants: Stichting Woonpunt (Beek, Netherlands), Stichting Com.wonen (Rotterdam, Netherlands), Woningstichting Haag Wonen (The Hague, Netherlands), Stichting Woonbedrijf SWS.Hhvl (Eindhoven, Netherlands) (represented by: E. Henny, T. Ottervanger and P. Glazener, lawyers)

Defendant: European Commission

Form of order sought

- Annul the Commission's decision concerning existing aid, in accordance with Article 263 TFEU;
- annul the Commission's decision concerning new aid, in accordance with Article 263 TFEU;
- order the Commission to pay the costs.

Pleas in law and main arguments

The applicants seek annulment of Commission Decision C(2009) 9963 final of 15 December 2009 relating to State aid E 2/2005 and N 642/2009 (Netherlands) — Existing and special project aid to housing corporations.

The applicants put forward eight pleas in law in support of the first head of claim. Those pleas are the same as the pleas which the applicants put forward in Case T-202/10 *Stichting Woonlinie and Others v Commission*.

The applicants put forward three further pleas in support of their second head of claim.

First, according to the applicants, the Commission infringed Articles 107 TFEU and 108 TFEU and Regulation No 659/1999 ⁽¹⁾ by deeming project aid for declining urban areas to be part of an existing aid scheme, and by imposing mandatory requirements without following the procedure laid down under Regulation No 659/1999.

Second, the applicants submit that the Commission erroneously took the view that the fourth criterion referred to in *Altmark* ⁽²⁾

had not been satisfied inasmuch as housing corporations are not chosen by means of a public procurement procedure. According to the applicants, the Commission should have confined itself to checking that the measure did not lead to inefficiency.

Third, the applicants claim that the Commission should have considered whether there was any overcompensation for the service of general economic interest.

⁽¹⁾ Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty (OJ 1999 L 83, p. 1).

⁽²⁾ Case C-280/00 *Altmark Trans and Regierungspräsidium Magdeburg* [2003] ECR I 7747.

Action brought on 3 May 2010 — Lancôme parfums et beauté & Cie v OHMI — Focus Magazin Verlag GmbH (COLOR FOCUS)

(Case T-204/10)

(2010/C 179/88)

Language in which the application was lodged: English

Parties

Applicant: Lancôme parfums et beauté & Cie (Paris, France) (represented by: A. von Mühlendahl and S. Abel, lawyers)

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

Other party to the proceedings before the Board of Appeal: Focus Magazin Verlag GmbH (Munich, Germany)

Form of order sought

- Annul the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 11 February 2010 in case R 238/2009-2;
- Annul the decision of the Cancellation Division of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 16 December 2008 in case 990 C;