

### Pleas in law and main arguments

In support of the action, the applicant relies on one plea in law, alleging infringement of the rules of classification in the Combined Nomenclature in so far as the applicant considers that the general rules for interpretation Nos 1, 3(a), 3(b), 3(c) and 6; note No 2(a) of Section XVI; and note No 8 of Chapter 85 of the Combined Nomenclature mean, first, that an 'LED electronic card' should be classified under heading 8541 or, in the alternative, under heading 8542 of the Combined Nomenclature and, secondly, that its classification under heading 8512 should be precluded. The applicant disputes, first, the Commission's statement of reasons and classification and submits, secondly, that the statement of the reasons on which the classification regulation is based is unfounded and has no legal basis.

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### Action brought on 18 August 2011 — Riche v Council and Commission

(Case T-458/11)

(2011/C 298/52)

*Language of the case: French*

### Parties

*Applicant:* Philippe Riche (Meursac, France) (represented by: C.-E. Gudin, lawyer)

*Defendants:* Council of the European Union and European Commission

### Form of order sought

— Make reparation in full of the loss suffered because of the financial penalties imposed, namely the sum of EUR 136 600;

— Order the Council and the Commission to pay all the costs and expenses:

— relating to the proceedings before the General Court of the European Union,

— also relating to all the proceedings before all the internal tribunals;

— Fix the amount for non-pecuniary damage at a lump-sum of EUR 100 000.

### Pleas in law and main arguments

In support of the action, the applicant relies on 11 pleas in law.

1. First plea in law, alleging manifest and serious disregard of the limits on the discretion of the Council and the Commission.
2. Second plea in law, alleging an infringement by the Council and/or by the Commission of the decision of the Member States to exclude wine spirits such as those produced by the applicant from the list of agricultural products.

3. Third plea in law, alleging infringement of the prohibition of discrimination laid down in Article 40 TFEU as regards the wine producers concerned who have distillation plants enabling them to transform into alcohol the production in excess of the quantity normally produced.
4. Fourth plea in law, alleging infringement of the principle of legal certainty consisting, firstly, of an infringement of the rights acquired by the producers concerned and, secondly, of an infringement of the legitimate expectation placed in the fact that they could themselves carry out the transformation into wine spirits of their production in excess of the quantity normally produced.
5. Fifth plea in law, alleging infringement of the principle of proportionality.
6. Sixth plea in law, alleging infringement of the principle of estoppel, referring to the prohibition on a public authority from contradicting itself to the detriment of third parties.
7. Seventh plea in law, alleging wrongful interference with the freedom to produce industrial goods and put them on the market.
8. Eighth plea in law, alleging wrongful extension of the application of the contested regulation to cases where there are no applications for funding.
9. Ninth plea in law, alleging infringement of the right to the presumption of innocence.
10. Tenth plea in law, alleging infringement of the principle of sound administration and the duty of care.
11. Eleventh plea in law, alleging infringement of the right to property.

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### Action brought on 23 August 2011 — Dectane v OHIM — Hella (DAYLINE)

(Case T-463/11)

(2011/C 298/53)

*Language in which the application was lodged: German*

### Parties

*Applicant:* Dectane GmbH (Leipzig, Germany) (represented by: P. Ehrlinger and T. Hagen, lawyers)

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

*Other party to the proceedings before the Board of Appeal:* Hella KGaA Hueck & Co. (Lippstadt, Germany)

### Form of order sought

The applicant claims that the Court should:

- Annul the contested decision of the First Board of Appeal of OHIM of 15 June 2011;
- Order the intervener to pay the costs including those incurred in the course of the appeal proceedings.