

- suspend deliberations regarding the amount of the claim until the judgment in the present case has become final;
- reserve the decision as to costs for the later judgment.

Pleas in law and main arguments

In support of the action, the applicants rely on three pleas in law.

1. First plea in law: the European Commission failed to fulfil its obligations under Article 36 of the Act of Accession (Annex VII, point 1), which forms an integral part of the Treaty of Accession of the Croatian Republic to the European Union concluded between the Croatian Republic and the Member States of the European Union [Narodne novine — Međunarodni ugovori n° 2/12 (Official Journal — International Treaties)], in failing to prevent the derogation from the legislation establishing and governing the profession of bailiff, which the Republic of Croatia had adopted during the negotiations on accession to the European Union. Article 36 of the Act of Accession tasks the Commission with monitoring the commitments entered into by the Republic of Croatia during the negotiations on accession to the European Union and, accordingly, the legal obligations assumed by the Republic of Croatia to establish a bailiff service and to ensure the full implementation of that service in the Croatian legal order by 1 January 2012 at the latest. However, the European Commission does not have the power to allow any unilateral amendment of the obligations thus entered into by the Republic of Croatia.
2. Second plea in law: by the abovementioned infringement, the European Commission directly injured the applicants, who had been appointed as bailiffs and who had legitimate expectations that they would take up their duties on 1 January 2012.
3. Third plea in law: in failing to fulfil its obligations, the Commission clearly and seriously exceeded the limits of its discretion and, in frustrating the limited expectations of the applicants (appointed bailiffs), caused them significant material and non-material damage which the European Union must make good in accordance with the second paragraph of Article 340 TFEU.

Action brought on 19 February 2014 — Finland v Commission

(Case T-124/14)

(2014/C 142/51)

Language of the case: Finnish

Parties

Applicant: Republic of Finland (represented by: J. Heliskoski and S. Hartikainen)

Defendant: European Commission

Form of order sought

The applicant claims that the General Court should:

- annul Commission Implementing Decision C(2013) 8743 final of 12 December 2013 on excluding from European Union 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 2013 L 338, p. 81) in so far as a financial correction of EUR 927 827,58 has been applied to the Republic of Finland on the ground that it has failed to fulfil its obligations under Article 55 of Regulation (EC) No 1974/2006;
- order the Commission to pay the costs incurred by the Republic of Finland.

Pleas in law and main arguments

In support of the action, the applicant relies on a single plea in law, according to which the Commission has incorrectly interpreted and applied Article 55 of Regulation No 1974/2006. ⁽¹⁾ The Commission has erroneously considered that the rules laid down in Finland for the grant of aid for the purchase of second-hand machinery and equipment is not compatible with the second subparagraph of Article 55(1) of Regulation No 1974/2006.

⁽¹⁾ Commission Regulation (EC) No 1974/2006 of 15 December 2006 laying down detailed rules for the application of Council Regulation (EC) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) (OJ 2006 L 368, p. 15).

**Action brought on 14 February 2014 — Gappol Marzena Porczyńska v OHIM — GAP (ITM)
(GAPPol)****(Case T-125/14)**

(2014/C 142/52)

*Language in which the application was lodged: Polish***Parties**

Applicant: PP Gappol Marzena Porczyńska (Łódź, Poland) (represented by J. Gwiazdowska, lawyer)

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

Other party to the proceedings before the Board of Appeal: GAP (ITM), Inc. (San Francisco, United States)

Form of order sought

The applicant claims that the Court should:

- annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 2 December 2013 in Case R 686/2013-1;
- order the defendant to pay the costs of the proceedings.

Pleas in law and main arguments

Applicant for a Community trade mark: the applicant.

Community trade mark in respect of which registration is sought: a figurative mark containing the word element 'GAPPol' for goods and services in Classes 20, 25 and 37 — Application No 8 346 165 for a Community trade mark.

Proprietor of the mark or sign cited in the opposition proceedings: the other party to the proceedings before the Board of Appeal.

Mark or sign cited in opposition: Community word marks 'GAP', Community figurative marks containing the word element 'GAP', as well as national word marks 'GAP' and national figurative marks containing the word element 'GAP', for goods in Class 25.

Decision of the Opposition Division: opposition upheld in part.

Decision of the Board of Appeal: appeal dismissed.

Pleas in law: breach of Article 8(1)(b) and 8(5) of Regulation No 207/2009.

Action brought on 28 February 2014 — Germany v Commission**(Case T-134/14)**

(2014/C 142/53)

*Language of the case: German***Parties**

Applicant: Federal Republic of Germany (represented by: T. Henze, J. Möller and T. Lübbig, lawyer)