

2. Second plea in law, alleging a substantive amendment to the initial conditions of the contract liable to distort the result of the call for tenders.

The applicant submits that the relation between the points awarded to the successful tenderer and to the applicant for all the assessment criteria would have been reversed if the successful tender had been assessed taking into account the conditions in which the successful tenderer performs the contract.

3. Third plea in law, alleging an infringement of the duty to state reasons, in so far as the adjudicating authority failed to comply with Article 113 of the Financial Regulation and Article 161(2) of the Delegated Regulation⁽²⁾, since the characteristics and relative advantages of the successful tender were not communicated within 15 calendar days following the applicant's request.

⁽¹⁾ Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ 2012 L 298, p. 1).

⁽²⁾ Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (OJ 2012 L 362, p. 1).

Action brought on 5 May 2014 — Dyckerhoff Polska v Commission

(Case T-284/14)

(2014/C 245/27)

Language of the case: Polish

Parties

Applicant: Dyckerhoff Polska sp. z o.o. (Nowiny, Poland) (represented by: K. Kowalczyk, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul Commission Decision 2013/448/EU of 5 September 2013 concerning national implementation measures for the transitional free allocation of greenhouse gas emission allowances in accordance with Article 11(3) of Directive 2003/87/EC of the European Parliament and of the Council (OJ 2013 L 240, p. 27).

Pleas in law and main arguments

In support of its action, the applicant puts forward three pleas in law.

1. First plea in law:

- The adopted decision is incompatible with EU law, in particular with Directive 2003/87/EC of the European Parliament and the Council of 13 October 2003 and Commission Decision 2010/2/EU of 24 December 2009.

2. Second plea in law:

- Infringement of the principle of equal treatment by reason of the establishment of a uniform cross-sectoral correction factor for all sectors, failing thereby to take into account the fact that the sectors which are deemed to be exposed to a significant risk of carbon leakage, including that of cement production, ought to be treated in a manner different to sectors which are not exposed to such a significant risk;

and infringement of the principle of proportionality.

3. Third plea in law:

- Inapplicability, pursuant to Article 277 TFEU, of Article 10a(5) of Directive 2003/87/EC and Article 15(3) of Commission Decision 2011/278/EU, which form the basis on which the contested decision was adopted, in so far as it is possible to apply those provisions without taking account of Article 10a(12) to (18) of Directive 2003/87/EC, Article 16 of Commission Decision 2011/278/EU and Commission Decision 2010/2/EU, which confirm the need to proceed in a specific manner in those sectors and subsectors which are deemed to be exposed to a significant risk of carbon leakage, and inapplicability of the adoption by the European Commission of a uniform cross-sectoral correction factor for all sectors.

Action brought on 28 April 2014 — Cyprus v OHIM (XΑΛΛΟΥΜΙ)

(Case T-292/14)

(2014/C 245/28)

Language of the case: English

Parties

Applicant: Republic of Cyprus (represented by: S. Malynicz, Barrister, and V. Marsland, Solicitor)

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

Form of order sought

The applicant claims that the Court should:

- Annul the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 19 February 2014 given in Case R 1849/2013-4;
- Order the defendant to pay the costs of proceedings.

Pleas in law and main arguments

Community trade mark concerned: The word mark 'XΑΛΛΟΥΜΙ' for goods in Class 29 — Community trade mark application No 11 578 473

Decision of the Examiner: Rejected the application in its entirety

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law: Infringement of Article 7(1)(c) and (b) CTMR.

Action brought on 28 April 2014 — Cyprus v OHIM (HALLOUMI)

(Case T-293/14)

(2014/C 245/29)

Language of the case: English

Parties

Applicant: Republic of Cyprus (represented by: S. Malynicz, Barrister, and V. Marsland, Solicitor)

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