

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders DTM Ricambi Srl to pay the costs.*

⁽¹⁾ OJ C 156, 1.6.2013.

Action brought on 25 July 2014 — Estonia v Commission

(Case T-555/14)

(2014/C 372/22)

Language of the case: Estonian

Parties

Applicant: Republic of Estonia (represented by: N. Grünberg, acting as Agent)

Defendant: European Commission

Form of order sought

- annul the decision of the European Commission of 14 May 2014 (C(2014)3271 final) on the suspension of interim payments within the framework of the operational programme of support for Estonia from the European Fisheries Fund (EFF) for the 2007-2013 programme period;
- order the defendant to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging that the Commission applied Articles 25(2) and 89 of Regulation No 1198/2006 ⁽¹⁾ wrongly.

The applicant claims that the interpretation the Commission gave to Article 25, according to which support for investments is justified only if the relevant technical indicators of a vessel are improved by means of them, so that the improvement goes beyond restoring the original condition of the vessel, does not correspond to the wording, meaning or objectives of that article. The wording of Article 25(2) leaves a broad discretion as to what sort of investments may be supported within the framework of the EFF. Since the applicant complied with the provisions of Article 25(2), the application of Article 89 and the suspension of interim payments for supporting the first priority axis of the operational programme are also inappropriate.

2. Second plea in law, alleging that the Commission infringed Article 88 of Regulation No 1198/2006.

The applicant criticises the Commission for not taking a decision on suspension of payments within six months from the notification of interruption of interim payments. According to the applicant, the Commission thereby infringed Article 88 of Regulation No 1198/2006 and contradicted its own guidelines concerning the interruption, suspension and financial correction of interim payments.

3. Third plea in law, alleging that the Commission infringed the principle of good administration.

The applicant claims that the Commission infringed the principle of good administration by adopting the contested decision, since (1) it did not assess carefully or take into account all the information provided by the applicant, (2) it did not check whether all the assumptions used in making its decision were correct, (3) it automatically treated all investments which were carried out for bringing amortised vessels into a better condition as routine maintenance, and (4) it wrongly assessed that those investments did not contribute to attaining the objectives laid down in Article 25(2).

4. Fourth plea in law, alleging that the Commission infringed the principle of the protection of legitimate expectations.

The applicant claims that, regardless of the position which was clearly and precisely expressed in the Commission's letter and thus gave rise to a legitimate expectation, according to which expenditure on renovating/repairing an engine may be covered by Article 25(2) of Regulation No 1198/2006 if the vessel's fishing ability is not increased thereby, the Commission later decided that such expenditures does not contribute to improving the technical indicators of any vessel, but rather to restoring or preserving the original condition of fishing vessels, and are therefore ineligible for aid. The applicant claims that it was not aware of the latter approach; it could not be deduced from Article 25 of Regulation No 1198/2006 or from the Commission's letter in reply to the corresponding question asked by the applicant.

5. Fifth plea in law, alleging that the Commission infringed the principle of legal certainty.

The applicant considers that the circumstance that the Commission makes a final decision on suspension of an application for an interim payment after more than three years have passed from the interruption of the first application for an interim payment, thereby failing to comply with the six-month period laid down in Article 88(1) of Regulation No 1198/2006, clearly conflicts with the principle of legal certainty. Such conduct by the Commission could not in any way have been foreseen by the recipients of support from the EFF.

⁽¹⁾ Council Regulation (EC) No 1198/2006 of 27 July 2006 on the European Fisheries Fund (OJ 2006 L 223, p. 1).

**Action brought on 1 August 2014 — Group OOD v OHIM — Kosta Iliev (GROUP Company
TOURISM & TRAVEL)**

(Case T-567/14)

(2014/C 372/23)

Language of the case: Bulgarian

Parties

Applicant: Group OOD (Sofia, Bulgaria) (represented by: Dragia Dragiev and Andrey Andreev, lawyers)

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

Other party to the proceedings before the Board of Appeal: Kosta Iliev (Sofia, Bulgaria) (represented by: Zlatarevi Patent and Trade Mark Bureau)

Form of order sought

The applicant claims that the Court should:

- annul Decision R 1587/2013-4 of the Fourth Board of Appeal of OHIM of 2 June 2014 on the basis of Article 65(3) of Regulation (EC) No 207/2009;
- order OHIM and, in the case of its intervention in the proceedings before the Court, the party concerned to pay the costs.

Pleas in law and main arguments

Applicant for a Community trade mark: Kosta Iliev.

Community trade mark concerned: The figurative Community trade mark with the word elements 'GROUP Company TOURISM & TRAVEL' for goods and services in classes 35, 39 and 43.

Proprietor of the mark or sign cited in the opposition proceedings: Group OOD.

Mark or sign cited in opposition: unregistered trade mark comprising substantive rights over a sign with the word elements 'Group company'.

Decision of the Opposition Division: Rejected the opposition.

Decision of the Board of Appeal: Dismissed the appeal as unfounded.