

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: I. Harrington, Agent)

*Other party to the proceedings before the Board of Appeal of OHIM intervening before the General Court:* Alva Management GmbH (Icking, Germany) (represented by: B. Hanika, lawyer)

**Re:**

Action brought against the decision of the Fourth Board of Appeal of OHIM of 28 April 2014 (Case R 626/2013-4), relating to opposition proceedings between Alva Management GmbH and La Perla sp. z o.o.

**Operative part of the order**

1. *There is no longer any need to adjudicate on the action.*
2. *The applicant and the intervener shall bear their own costs and shall each pay half of the costs incurred by the defendant.*

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<sup>(1)</sup> OJ C 282, 25.8.2014.

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**Action brought on 26 November 2014 — Slovakia v Commission**

**(Case T-779/14)**

(2015/C 089/33)

*Language of the case: Slovak*

**Parties**

*Applicant:* Slovak Republic (represented by: B. Ricziová, acting as Agent)

*Defendant:* European Commission

**Form of order sought**

- annul the Commission's decision contained in the letter of 24 September 2014 requiring the Slovak Republic to provide financial means corresponding to the loss of traditional own resources;
- order the Commission to pay the costs.

**Pleas in law and main arguments**

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

1. First plea in law, alleging lack of competence of the Commission

According to the Slovak Republic, the Commission does not have competence to adopt the contested decision. No provision of EU law confers competence on the Commission to act as it did by issuing the contested decision, namely competence, following the calculation of the amount of the loss of traditional own resources in the form of import duty not collected, to oblige a Member State which was not responsible for assessing and collecting that duty to provide financial means in the amount established by the Commission and corresponding in its view to the loss stated.

2. Second plea in law, alleging breach of the requirement of legal certainty

Even if the Commission had competence to adopt the contested decision (*quod non*), in this case the Commission, according to the Slovak Republic, infringed the principle of legal certainty. The obligation of the Slovak Republic imposed on it by the contested decision could not, in its opinion, have been reasonably foreseen before it was adopted.

3. Third plea in law, alleging incorrect exercise of competence by the Commission

Even if the Commission had competence to adopt the contested decision and also proceeded, when adopting the contested decision, in accordance with the principle of legal certainty (*quod non*), according to the Slovak Republic, it did not exercise its competence correctly in this case. In the first place, the Commission made an obviously incorrect assessment in so far as it requires financial means from the Slovak Republic despite the fact that in part there was no loss of traditional own resources at all and for the rest there was no loss as a direct consequence of the events the Commission attributes to the Slovak Republic. In the second place, the Commission committed a breach of the rights of defence of the Slovak Republic and the principle of sound administration.

4. Fourth plea in law, alleging inadequate statement of reasons for the contested decision

The Slovak Republic asserts in this plea in law that the reasoning of the contested decision has several defects, as a result of which it must be regarded as inadequate, which constitutes a breach of essential procedural requirements and is also in conflict with the requirements of legal certainty. In the contested decision, according to the Slovak Republic, the Commission did not state the legal basis of that decision. In addition, it did not explain the grounds and basis of some of its conclusions. Finally, according to the Slovak Republic, the reasoning of the contested decision is confused in some respects.

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**Appeal brought on 24 November 2014 by DF against the judgment of the Civil Service Tribunal of  
1 October 2014 in Case F-91/13, DF v Commission**

**(Case T-782/14 P)**

(2015/C 089/34)

*Language of the case: English*

**Parties**

*Appellant:* DF (Brussels, Belgium) (represented by: A. von Zwehl, lawyer)

*Other party to the proceedings:* European Commission

**Form of order sought by the appellant**

The appellant claims that the Court should:

- set aside the judgment of the Civil Service Tribunal (Third Chamber) of 1 October 2014 in Case F-91/13 DF v Commission, in so far as the action of the appellant as to the remainder was dismissed by the Tribunal;
- annul the decision of the European Commission of 20 December 2012;
- order the European Commission to reimburse the amounts already recovered by it to the appellant, plus late interest at the European Central Bank rate, increased by 2 points; and
- declare that the European Commission bears all costs.