

The applicant puts forward that the Parliament committed an error in law and misapplied Article 4(3) first subparagraph of Regulation 1049/2001 in that:

- access to the requested documents, which are part of the legislative process, does not specifically, effectively and in a non-hypothetical manner undermine the legislative decision-making process;
- the Parliament ignores that, notably after the Lisbon Treaty, legislative preparatory documents are subject to the principle of widest possible access;
- if Article 4(3) would still be applicable to legislative preparatory works after the entry into force of the Lisbon Treaty and of the Charter of Fundamental Rights of the European Union, the Parliament has committed an error in law and misapplied the overriding public interest test.

2. Second plea in law, alleging a failure to state reasons in accordance with Article 296 TFUE.

According to the applicant, the Parliament has failed to state reasons as to why it denied access to the requested documents on the basis of Article 4(3), first subparagraph of Regulation 1049/2001, by not stating reasons as to (i) why full disclosure of the documents requested would effectively and specifically undermine the decision-making process in question, and (ii) why no overriding public interest exists in this case.

Action brought on 22 September 2012 — Guiral Broto v OHIM — Gastro & Soul (Café del Sol)

(Case T-548/15)

(2015/C 398/73)

Language in which the application was lodged: Spanish

Parties

Applicant: Ramón Guiral Broto (Marbella, Spain) (represented by: J. de Castro Hermida, lawyer)

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

Other party to the proceedings before the Board of Appeal: Gastro & Soul GmbH (Hildesheim, Germany)

Details of the proceedings before OHIM

Applicant: Other party to the proceedings before the Board of Appeal

Trade mark at issue: Community word mark 'Café del Sol' — Application for registration No 6 105 985

Procedure before OHIM: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of OHIM of 16 July 2015 in Case R 2755/2014-5

Form of order sought

The applicant claims that the Court should:

- annul the contested decision and declare the admissibility of the opposition based on the priority trade mark owned by the opposing party, Ramón Guiral Broto, Spanish trade mark No 2348110, falling within Class 42 of the International Classification.
- if the opposition is allowed, confirm the decision of the Opposition Division refusing Community trade mark No 006105985 **CAFÉ DEL SOL** applied for with respect to the ‘provision of food and beverages, temporary accommodation and catering’, falling within Class 43 of the International Classification, requested by German company Gastro & Soul GmbH; or, in the event that the Court does not have jurisdiction to do so, refer the matter back to the Board of Appeal of the Office for Harmonisation in the Internal Market, with the direction to grant the opposition.
- with respect to the evidence, consider the documents annexed to the present application, numbered 1 to 4, as specified in the attached list of accompanying documents, as having been provided together with the relevant evidence in the administrative procedure.

Pleas in law

- Inconsistency ‘extra petitem’ of the contested decision, since the applicant did not raise the inadmissibility of the opposition as one of the grounds for the application.
- Infringement of Article 8(1)(b) of Regulation No 207/2009.

Action brought on 25 September 2015 — Bank Refah Kargaran v Council

(Case T-552/15)

(2015/C 398/74)

Language of the case: French

Parties

Applicant: Bank Refah Kargaran (Tehran, Iran) (represented by: J.-M. Thouvenin, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should declare:

- that by adopting and maintaining the restrictive measure adopted by the Council of the European Union against BRK, which was annulled by judgment of the General Court of 6 September 2013 (Case T-25/11), the Council of the European Union incurred the non-contractual liability of the European Union;
- that, consequently, the European Union must compensate the applicant for the damage suffered;
- that the material damage amounts to EUR 68 651 318, to which statutory interest must be added, plus any other justified amount;