

### **Pleas in law and main arguments**

The call for proposals forming the subject-matter of this action is intended to establish, define and develop a model for accessible tourism which, after identifying the difficulties linked to disabilities, overcomes them by means of a standard model which represents an appropriate response and may be offered at every site of cultural and archaeological interest.

The eligibility requirements for submitting a project included, in addition to specialised and long-standing experience in the specific sector and in addition to a legal person closely associated with the objectives of the proposal, the presence of a national, regional or local governmental authority.

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

1. First plea in law, concerning the eligibility of the proposal.

— The Supervisory Authority for Archaeology, Campania (Soprintendenza Archeologia della Campania) is a body recognised as a governmental authority in that it is a local managing department of the Ministry of Cultural Heritage and Activities and Tourism (Ufficio Dirigenziale Periferico del Ministero dei Beni e delle Attività Culturali e del Turismo).

2. Second plea in law, concerning the legal nature of the Soprintendenza, a partner in the consortium

— In the coordination of departments having general management functions within the Ministry, the Prime Minister, by Decree No 171 of 29 August 2014, recognised the supervisory authorities as local managing departments whose nature, legal form and function derive from and are defined within the legal and administrative structure of the Ministry itself of which they are an integral part; they do not exercise delegated powers and cannot be regarded as bodies which act by delegation on behalf of a government authority.

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**Action brought on 5 October 2015 — For Tune v OHIM — Gastwerk Hotel Hamburg (fortune)**

**(Case T-579/15)**

(2015/C 398/84)

*Language in which the application was lodged: English*

### **Parties**

*Applicant:* For Tune sp. z o.o. (Warszawa, Poland) (represented by: K. Popławska, lawyer)

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

*Other party to the proceedings before the Board of Appeal:* Gastwerk Hotel Hamburg GmbH & Co. KG (Hamburg, Germany)

### **Details of the proceedings before OHIM**

*Applicant of the trade mark at issue:* Applicant

*Trade mark at issue:* Community figurative mark containing the word element 'fortune' — Application for registration No 11 525 491

*Procedure before OHIM: Opposition proceedings*

*Contested decision: Decision of the Fifth Board of Appeal of OHIM of 7 August 2015 in Case R 2808/2014-5*

### **Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order OHIM and the other party to the proceedings before the Board to pay the costs.

### **Plea(s) in law**

- Infringement of Article 8(1)(b) of Regulation No 207/2009.

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## **Action brought on 1 October 2015 — Syndial v Commission**

**(Case T-581/15)**

(2015/C 398/85)

*Language of the case: Italian*

### **Parties**

*Applicant:* Syndial SpA — Attività Diversificate (San Donato Milanese, Italy) (represented by: L. Acquarone and S. Grassi, lawyers)

*Defendant:* European Commission

### **Form of order sought**

The applicant claims that the General Court should (i) annul and/or alter the note of the European Commission — Secretariat-General Ref. Ares (2015)3238796 of 03/08/2015, headed '*Decision of the Secretary General on behalf of the Commission pursuant to Article 4 of the Implementing Rules to Regulation (EC) No 1049/2001*', concerning the '*Confirmatory application for access to documents under Regulation (EC) No 1049/2001 — GESTDEM 2015/2796*', confirming the refusal of the Commission's Directorate-General for Environment, by note ENV.D.2/MC/vf/ARES(2015) of 16 June 2015, to grant the application for access to documents made by Syndial SpA by note INAMB-10/15 of 6 May 2015, sent by certified e-mail on 8 May 2015, and, as a consequence, (ii) find that Syndial is entitled to acquaint itself with the documentation relating to infringement procedure No 2009/4426 and therefore order full or partial disclosure of the documents requested in the application for access made by abovementioned note INAMB-10/15 of 6 May 2015, sent by certified e-mail on 8 May 2015, and/or find that Syndial has the right to be formally heard by the Commission in order to clarify and confirm the information that underpins the infringement procedure in question.