

Pleas in law and main arguments

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

1. First plea in law, alleging that the decision of the European Central Bank of 5 October 2015 ('the decision') is unlawful on the grounds that it infringes the provisions of EU law restricting the ECB's competence in matters of prudential supervision to credit institutions only. The plea is divided into four parts.
 - First part, alleging that the legislation applicable to the ECB's banking supervision activities strictly restricts its competence to credit institutions and other financial institutions.
 - Second part, alleging that the Confédération nationale du Crédit Mutuel (CNCM) is not a credit institution and that the supervision of Crédit Mutuel by the ECB could not take place at the level of the CNCM.
 - Third part, alleging that the inability of the ECB to exercise prudential supervisory authority over the CNCM is confirmed by the fact, acknowledged by the ECB, that it has no power to impose penalties.
 - Fourth part, alleging that, since it lacks the power to impose any measures on the CNCM, it is in vain and on a legally erroneous basis that the decision purports to impose corrective measures on the Crédit Mutuel group, which has no legal existence.
2. Second plea in law, alleging that the decision should also be annulled on the ground that it unlawfully finds that Crédit Mutuel as a whole is a group within the meaning of the European provisions on prudential supervision. The plea is divided into three parts:
 - First part, alleging that the general principle laid down by EU law constitutes, on the one hand, prudential supervision of credit institutions on an individual basis and, on the other, consolidated supervision at the level of mutual groups assuming that they may be treated like a single entity.
 - Second part, alleging that the legal conditions laid down by EU law allowing for consolidated prudential supervision at group level of banks have not been met.
 - Third part, alleging that none of the three conditions permitting consolidated supervision at the level of Crédit Mutuel as a whole have been met in the present case.
3. Third plea in law, alleging that the decision should also be annulled inasmuch as it unlawfully increases from 8 % to 11 % the requirement of common equity tier 1 capital applicable to the Crédit Mutuel Arkéa group. The plea is divided into two parts:
 - First part, that the decision is vitiated by an error of law.
 - Second part, that the decision is also vitiated by errors of assessment.

Action brought on 2 December 2015 — Makhlouf v Council**(Case T-714/15)****(2016/C 059/39)***Language of the case: French***Parties**

Applicant: Rami Makhlouf (Damascus, Syria) (represented by: E. Ruchat, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- declare the applicant's action admissible and well founded;
- as a consequence, order the European Union to repair all of the harm allegedly suffered by the applicant at an amount to be fixed equitably by the Court;
- order the Council of the European Union to pay the costs of the proceedings.

Pleas in law and main arguments

In support of the action, the applicant relies on a single plea in law, alleging the fact that he has suffered non-material damage, consisting of harm to his reputation, as a direct causal link to the measures taken by the Council of the European Union, for which the Council is liable.

**Action brought on 4 December 2015 — BBY Solutions v OHIM — Worldwide Sales Corporation
España (BEST BUY GEEK SQUAD)**

(Case T-715/15)

(2016/C 059/40)

Language in which the application was lodged: English

Parties

Applicant: BBY Solutions, Inc. (Minneapolis, United States) (represented by: A. Poulter, Solicitor)

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

Other party to the proceedings before the Board of Appeal: Worldwide Sales Corporation España, SL (Sant Vicenç dels Horts, Spain)

Details of the proceedings before OHIM

Applicant of the trade mark at issue: Applicant

Trade mark at issue: Community figurative mark containing the word elements 'BEST BUY GEEK SQUAD' — Community trade mark application No 6 064 001

Procedure before OHIM: Opposition proceedings

Contested decision: Decision of the Second Board of Appeal of OHIM of 23 September 2015 in Joined Cases R 517/2015-2 and R 437/2015-2

Form of order sought

The applicant claims that the Court should:

- annul the contested decision to the extent that it upheld the opposition;
- annul the opposition division's decision dated 22 December 2014 in Opposition No B 1354630 to the extent that it upheld the opposition;