

Pleas in law and main arguments

In support of the action, the applicants rely on two pleas in law.

1. First plea in law, alleging a lack of selective favouring of certain undertakings

By their first plea in law, the applicants claim that the contested decision wrongly defines the regime for existing installations relating to self-sufficiency in electricity (Art. 61(3) and (4) EEG 2014) as selective measures and therefore as State aid.

2. Second plea in law, alleging a lack of State resources

By their second plea in law, the applicants claim that the support for renewable energy financed by the EEG-surcharge is not received from State funds, but rather from private funds. Neither the collection nor the use of the EEG-surcharge takes place under the control of the State, as is required by the case-law. Moreover, the regime at issue is not a burden on the State treasury, since the entire amount of the EEG-surcharge is not reduced by the fact that the provision of self-sufficiency by means of existing installations is exempt from surcharges.

Action brought on 30 December 2015 — Luxembourg v Commission

(Case T-755/15)

(2016/C 059/55)

Language of the case: French

Parties

Applicant: Grand Duchy of Luxembourg (represented by: D. Holderer, acting as Agent, and D. Waelbroeck, S. Naudin and A. Steichen, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the General Court should:

- declare the present action admissible and well founded;
- primarily, annul the Commission decision of 21 October concerning State aid SA.38375 implemented by the Grand Duchy of Luxembourg in favour of FIAT;
- in the alternative, annul the Commission decision of 21 October concerning State aid SA.38375 implemented by the Grand Duchy of Luxembourg in favour of FIAT in so far as it orders the recovery of the aid;
- order the Commission to pay the costs.

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 infringement of Article 107 TFEU, in that the Commission has not adduced proof that the contested anticipatory decision was selective.
2. Second plea in law, alleging infringement of Article 107 TFEU and of the Commission's obligation to state reasons, in that the Commission did not adduce proof of an advantage or of a restriction of competition.

3. Third plea in law, relied on in the alternative, alleging infringement of Article 14(1) of Council Regulation (EC) No. 659/1999 of 22 March 1999 laying down detailed rules for the implementation of Article 93 of the EC Treaty, in that the Commission required recovery of the aid in disregard of the principle of legal certainty and of the rights of the defence.

**Action brought on 21 December 2015 — Tengelmann Warenhandelsgesellschaft v OHIM —
Fédération Internationale des Logis (T)**

(Case T-756/15)

(2016/C 059/56)

Language in which the application was lodged: English

Parties

Applicant: Tengelmann Warenhandelsgesellschaft KG (Mülheim an der Ruhr, Germany) (represented by: H. Prange, lawyer)

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

Other party to the proceedings before the Board of Appeal: Federation Internationale des Logis (Paris, France)

Details of the proceedings before OHIM

Applicant of the trade mark at issue: Applicant

Trade mark at issue: Community word mark ‘T’ — Application for registration No 11 623 022

Procedure before OHIM: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of OHIM of 31 August 2015 in Case R 2653/2014-5

Form of order sought

The applicant claims that the Court should:

- set aside the contested decision, and amend it to the effect that the opposition is rejected in its entirety;
- order of the defendant and, as the case may be, the other party to the proceedings before the Board of Appeal to pay the costs of the proceedings, including the costs of the appeal proceedings.

Plea in law

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

Action brought on 29 December 2015 — Fiat Chrysler Finance Europe v Commission

(Case T-759/15)

(2016/C 059/57)

Language of the case: English

Parties

Applicant: Fiat Chrysler Finance Europe (FCFE) (Luxembourg, Luxembourg) (represented by: J. Rodriguez, Solicitor, M. Engel and G. Maisto, lawyers)