

5. Fifth plea in law, alleging in the alternative, that the alleged aid should be considered as compatible aid. The national measure in question which was at the origin of the arbitration and the Award was never the subject of a definitive finding of incompatibility. In any event, it would have been compatible with EU State aid rules.
6. Sixth plea in law, alleging, in the alternative, that the decision incorrectly determines the beneficiaries of the alleged aid. The decision does not demonstrate either that Viorel and Ioan Micula form part of the alleged single economic unit, or that there is a single economic unit in this case.
7. Seventh plea in law, alleging errors in the recovery ordered by the decision. As the decision incorrectly determines the beneficiaries of the alleged aid, it orders the recovery from individuals and companies which are not beneficiaries of the alleged aid.
8. Eighth plea in law, alleging a violation of an essential procedural requirement (right to be heard). The decision opening the formal investigation procedure did not mention at any point the applicants European Drinks, Rieni Drinks, West Leasing and Transilvania General Import-Export.

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**Action brought on 9 December 2015 — BASF v OHIM — Evonik Industries (DINCH)**

(Case T-721/15)

(2016/C 068/41)

*Language in which the application was lodged: German*

**Parties**

*Applicant:* BASF SE (Ludwigshafen am Rhein, Germany) (represented by: A. Schulz and C. Onken, lawyers)

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

*Other party to the proceedings before the Board of Appeal:* Evonik Industries AG (Marl, Germany)

**Details of the proceedings before OHIM**

*Proprietor of the trade mark at issue:* The applicant

*Trade mark at issue:* Community word mark 'DINCH' — Community trade mark No 2 563 856

*Procedure before OHIM:* Invalidity proceedings

*Contested decision:* Decision of the First Board of Appeal of OHIM of 23 September 2015 in Case R 2080/2014-1

**Form of order sought**

The applicant claims that the Court should:

- amend the contested decision to the effect that the appeal of the other party before the Board of Appeal be dismissed;
- in the alternative, annul the contested decision;
- order OHIM to pay the costs.

**Pleas in law**

- Infringement of Article 7(1)(b) of Regulation No 207/2009;
- Infringement of Article 7(1)(c) of Regulation No 207/2009.

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**Action brought on 4 December 2015 — Verband der Bayerischen Privaten Milchwirtschaft v Commission****(Case T-724/15)**

(2016/C 068/42)

*Language of the case: German***Parties**

*Applicant:* Verband der Bayerischen Privaten Milchwirtschaft e. V. (Munich, Germany) (represented by: C. Bittner and N. Thies, lawyers)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should

- annul the contested decision in so far as it
  - found in Article 1 that, in Germany, with regard to the milk quality tests carried out in Bavaria, State aid had been granted in favour of the undertakings in the dairy industry concerned, in infringement of Article 108(3) TFEU, and that that aid had been incompatible with the internal market since 1 January 2007;
  - ordered, in Articles 2 to 4, the recovery of that aid together with interest from the recipients;
- order the defendant to pay the costs incurred by the applicant.

**Pleas in law and main arguments**

By the present action the applicant requests the partial annulment of Commission Decision C(2015) 6295 final of 18 September 2015 on State aid No SA.35484 (2013/C) (ex SA.35484 (2012/NN)) granted by Germany for milk quality tests within the framework of the Milk and Fat Law.

In support of the action the applicant puts forward six pleas in law, which are, in essence, identical or similar to the pleas in law put forward in Case T-722/15 *Interessengemeinschaft privater Milchverarbeiter Bayerns v Commission*.

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**Action brought on 11 December 2015 — Chemtura Netherlands/EFSA****(Case T-725/15)**

(2016/C 068/43)

*Language of the case: English***Parties**

*Applicant:* Chemtura Netherlands (Amsterdam, Netherlands) (represented by: C. Mereu and K. Van Maldegem, lawyers)

*Defendant:* European Food Safety Authority