

Form of order sought

The applicants claim that the Court should:

- Declare the application admissible and well-founded;
- Annul the Commission Regulation (EU) 2015/1910 of 21 October 2015 amending Annexes III and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels of guazatine in or on certain products ⁽¹⁾; and
- Order the Commission to pay the costs of these proceedings.

Pleas in law and main arguments

The applicants allege that by adopting Regulation (EU) 2015/1910 imposing a maximum residue limit of 0,05 mg/kg of the active substance guazatine in or on certain products, the Commission has committed infringements of European Union law and failed to apply general principles of European Union law.

1. First plea in law, alleging that the Commission frustrated the legitimate expectations of the South African government and of the applicants and infringed legally binding rules under Regulation (EC) No 396/2005 ⁽²⁾ by failing to take into account the available scientific and technical information.
2. Second plea in law, alleging that the Commission has committed a series of manifest errors of assessment in relying upon two opinions of the European Food Safety Authority, the contents of these opinions revealing those errors.
3. Third plea in law, alleging that the Commission has infringed the applicants' rights of defence. The Commission has relied on an alleged scientific concern on which no information is given either in the contested regulation or in the documents on which the contested regulation is based.
4. Fourth plea in law, alleging that the contested regulation is disproportionate. The Commission has chosen the most onerous measure where other more proportionate measures were available to it.

⁽¹⁾ Commission Regulation (EU) 2015/1910 of 21 October 2015 amending Annexes III and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels of guazatine in or on certain products (OJ 2015 L 280, p. 2).

⁽²⁾ Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC (OJ 2005 L 70, p. 1).

Action brought on 21 December 2015 — Puro v OHIM ('smartline')

(Case T-744/15)

(2016/C 078/34)

Language of the case: Italian

Parties

Applicant: Puro Italian Style SpA (Puro SpA) (Modena, Italy) (represented by: F. Terrano, lawyer)

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

Details of the proceedings before OHIM

Trade mark at issue: Community figurative mark containing the word element 'smartline' — Application for registration No 12 574 802

Contested decision: Decision of the First Board of Appeal of OHIM of 7 October 2015 in Case R 2258/2014-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order OHIM to pay the costs.

Plea in law

- Misapplication of Article 7(1)(b) of Regulation No 207/2009.

Action brought on 22 December 2015 — EDF v Commission

(Case T-747/15)

(2016/C 078/35)

Language of the case: French

Parties

Applicant: Électricité de France (EDF) (Paris, France) (represented by: M. Debroux, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- principally, annul Articles 1, 2, 3, 4 and 5 of the contested decision for infringement of essential procedural requirements, errors of law and errors of fact;
- in the alternative, annul Articles 1, 2 and 3 of the contested decision, in that the amount that EDF was required to reimburse was very significantly overestimated, and
- in any event, order the Commission to pay all the costs.

Pleas in law and main arguments

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

1. First plea, alleging infringement of Article 266 TFEU.
2. Second plea, alleging infringement of Article 107 TFEU. That plea is composed of two branches:
 - First branch, concerning the applicability of the private investor test, which is divided into five parts.