

- uphold the first-instance decision of 28 January 2015 of EUIPO's Cancellation Division which rejected in its entirety Community mark No 10 822 013 applied for by the Ayuntamiento de Santa Cruz de La Palma;
- order the defendant to pay the costs of the present proceedings and also those of the appeal and invalidity proceedings.

Plea in law

- Infringement of Article 53(2)(d) Regulation No 207/2009.

Action brought on 20 March 2017 — EKETA v Commission

(Case T-189/17)

(2017/C 151/55)

Language of the case: Greek

Parties

Applicant: Ethniko Kentro Erevnas kai Technologikis Anaptyxis (EKETA) (Thessaloniki, Greece) (represented by: V. Christianos and S. Paliou, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the General Court should:

- declare that the request made by the European Commission to EKETA to reimburse the amount of EUR 64 720,19 of the payment received by it for the HUMABIO project, that request being made in the debit note 3241615288/29.11.2016, is unfounded with respect to the sum of EUR 27 830,27;
- declare that the sum of EUR 27 830,27 constitutes eligible costs and that EKETA is not obliged to repay that sum to the European Commission, and
- order the European Commission to pay the applicant's costs.

Pleas in law and main arguments

1. By this action, the Ethniko Kentro Erevnas kai Technologikis Anaptyxis (EKETA) challenges the requests made by the Commission by means of its debit note 3241615288/29.11.2016, in relation to participation in the HUMABIO project. By means of that debit note, the Commission requested that EKETA reimburse part of the payment received by it for the HUMABIO project, a sum of EUR 64 720,19. The request follows an on-the-spot audit which was carried out by the European Commission at the applicant's premises.
2. In that context, the applicant claims that the General Court of the European Union, under Article 272 TFEU, should declare that, out of the above amount stated in the debit note, the sum of EUR 27 830,27 constitutes eligible costs and that EKETA is not obliged to repay that sum to the Commission.
3. EKETA maintains that the above amount of EUR 27 830,27 constitutes eligible staff costs and indirect costs, which the Commission wrongly rejected as being ineligible. The eligibility of the applicant's costs is demonstrated by the evidence that it submitted to the European Commission at the on-the-spot audit and in subsequent correspondence and that it submits to the General Court.