

— finally, since the Commission failed to carry out a careful and independent investigation, there was a defective adduction of evidence and a breach of the principle of the obligation to state reasons, embodied in Article 253 EC.

(¹) Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (OJ L 1, p. 1).

Action brought on 12 December 2007 — Italy v Commission

(Case T-463/07)

(2008/C 51/93)

Language of the case: Italian

Parties

Applicant: Italian Republic (represented by: G. Aiello, Avvocato dello Stato)

Defendant: Commission of the European Communities

Form of order sought

— annul Commission Decision C(2007) 4477 of 3 October 2006, notified on 4 October 2007, in so far as it excludes from Community financing and charges to the budget of the Italian Republic the financial consequences to be applied in connection with clearance of the expenditure financed by the Guarantee Section of the European Agricultural Guidance and Guarantee Fund.

Pleas in law and main arguments

By the present action, the applicant challenges the lawfulness of the contested decision, in so far as it excludes from Community financing and charges to the budget of the Italian Republic the financial consequences to be applied in connection with clearance of the expenditure financed by the Guarantee Section of the European Agricultural Guidance and Guarantee Fund.

The actual expenditure excluded from that financing, which is the subject-matter of the action, relates to premiums for bovines, controls of the mills, the existence of the olive-oil register and the geographical information system for olives, controls of the yield, checks of the destination of the oil and dried fodder.

In support of its claims, the applicant pleads:

- infringement of Articles 15 and 24(1) of Commission Regulation (EC) No 2419/2001 of 11 December 2001 laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes established by Council Regulation (EEC) No 3508/92;
- infringement of Articles 9a(1) and (3), 10, 16, 26 and 28(1) of Commission Regulation (EC) No 2366/98 of 30 October 1998 laying down detailed rules for the application of the system of production aid for olive oil for the 1998/99, 1999/2000 and 2000/01 marketing years;
- infringement of Article 11a of Regulation No 136/66/EEC of the Council of 22 September 1966 on the establishment of a common organisation of the market in oils and fats;
- infringement of Article 14(3) of Council Regulation (EEC) No 2261/84 of 17 July 1984 laying down general rules on the granting of aid for the production of olive oil and of aid to olive oil producer organisations;
- infringement of Articles 2, 8, 13 and 14 of Commission Regulation (EC) No 785/95 of 6 April 1995 laying down detailed rules for the application of Council Regulation (EC) No 603/95 on the common organisation of the market in dried fodder.

Action brought on 19 December 2007 — Korsch AG v OHIM (PharmaResearch)

(Case T-464/07)

(2008/C 51/94)

Language in which the application was lodged: German

Parties

Applicant: Korsch AG (Berlin, Germany) (represented by J. Grzam, lawyer)

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

Form of order sought

- annul the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 18 October 2007 in Case R 924/2007-4 concerning word mark No 5 309 836 'PharmaResearch';
- order the defendant to pay the costs of these proceedings and of the proceedings before the Board of Appeal.