

**Judgment of the General Court (First Chamber) of 14 April 2011 —
Netherlands v Commission**

(Case T-70/09)

(ERDF — Single programming document for the Groningen-Drenthe region —
Decision on the reduction of aid and ordering partial reimbursement of the
amounts paid — Duty to state reasons — Article 23(1) and Article 24(1) and (2) of
Regulation (EEC) No 4253/88)

1. *Actions for annulment — Pleas in law — Lack of or inadequate statement of reasons — Plea distinct from that of the lawfulness of the contested decision (Arts 230 EC and 253 EC) (see para. 31)*
2. *Economic and social cohesion — Structural assistance — Community financing — Breach of the prescribed conditions — Obligation of Member States to recover funds lost following abuse or negligence — Application of national law — Limits — Effectiveness of Community law (Art. 211 EC; Council Regulations Nos 2052/88, Art. 4(1), and 4253/88, Arts 23 and 24; Commission Regulation No 1681/94, Art. 5(2)) (see paras 47-49)*
3. *Economic and social cohesion — Structural assistance — Community financing — Obligation of Member States to monitor on a regular basis the actions financed — Competence of the Commission to find defects in the management and monitoring system at national level (Art. 274 EC; Council Regulation No 4253/88, Arts 23(1) and 24) (see paras 55-56, 58)*

Re:

ACTION for annulment in part of Commission Decision C(2008) 8355 of 11 December 2008 on the reduction of the aid from the European Regional Development Fund (ERDF) within the framework of the single programming document No 97.07.13.003

coming under objective 2 for the Groningen-Drenthe region, granted in accordance with Commission Decision 97/711/EC of 26 May 1997.

Operative part

1. Dismisses the application;
2. Orders the Kingdom of the Netherlands to pay the costs.

Judgment of the General Court (Second Chamber) of 14 April 2011 — TTNB v OHIM – March Juan (Tila March)

(Case T-433/09)

(Community trade mark — Opposition proceedings — Application for Community word mark Tila March — Earlier national figurative mark CARMEN MARCH — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

Community trade mark — Definition and acquisition of the Community trade mark — Relative grounds for refusal — Opposition by the proprietor of an earlier identical or similar mark registered for identical or similar goods or services — Likelihood of confusion with the earlier mark (Council Regulation No 207/2009, Art. 8(1)(b)) (see paras 22-23, 60)

Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of 20 August 2009 (Case R 1538/2008-2), relating to opposition proceedings between Carmen March Juan and TTNB.