

Action brought on 21 May 2010 — Asociación Española de Banca v Commission**(Case T-236/10)**

(2010/C 195/49)

*Language of the case: Spanish***Parties**

Applicant: Asociación Española de Banca (Madrid, Spain) (represented by: J. Buendía Sierra, E. Abad Valdenebro, M. Muñoz de Juan and R. Calvo Salinero, lawyers)

Defendant: European Commission

Form of order sought

- annul Article 1(1) of the contested decision inasmuch as it declares that Article 12(5) of the consolidated text of the Law on Corporation Tax (texto refundido de la Ley del Impuesto sobre Sociedades, TRLIS) involves State aid elements;
- in the alternative, annul Article 1(1) inasmuch as it declares that Article 12(5) TRLIS involves State aid elements when it applies to acquisitions of shares which entail the acquisition of control;
- in the alternative, annul Article 4 inasmuch as it applies the recovery order to operations which occurred prior to the publication in the *Official Journal of the European Union* of the final decision which is the object of the present action, and
- order the Commission to pay the costs of these proceedings.

Pleas in law and main arguments

The decision against which these proceedings are brought is the same as that contested in Cases T-219/10 *Autogrill España v Commission*; T-221/10 *IBERDROLA v Commission*; and T-225/10 *BANCO BILBAO VIZCAYA ARGENTARIA v Commission*.

The pleas in law and the principal arguments are similar to those relied on in those cases.

Action brought on 20 May 2010 — Italy v Commission**(Case T-239/10)**

(2010/C 195/50)

*Language of the case: Italian***Parties**

Applicant: Italian Republic (represented by: G. Palmieri and P. Gentili, avvocati dello Stato)

Defendant: European Commission

Form of order sought

- Annul, pursuant to Article 264 TFEU, debit note No 3241001630 of 1 March 2010, received on 11 March 2010, issued by the European Commission, D.G. Regional Policy, as a consequence of Decision C(2009) 10350 of the European Commission of 22 December 2009, notified on 23 December 2009, concerning the cancellation of part of the contribution from the European Regional Development Fund (ERDF) allocated to Italy for the operational programme POR Puglia Obiettivo 1 2000-2006.
- Order the European Commission to pay the costs.

Pleas in law and main arguments

The pleas in law and main arguments are the same as those relied on in Case T-223/10 *Regione Puglia v Commission*.

Action brought on 25 May 2010 — Industrias Francisco Ivars v OHIM — Motive (Speed reducers)**(Case T-246/10)**

(2010/C 195/51)

*Language in which the application was lodged: Spanish***Parties**

Applicant: Industrias Francisco Ivars, SL (Xeraco, Spain) (represented by: E. Caballero Oliver and A. Sanz-Bermell y Martínez, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM: Motive S.r.l.