

— Uphold the claim that the European Commission should pay interest on account of the delay in the actual payment of the interim sums applied for and improperly suspended;

— Order the Commission to pay the costs.

Pleas in law and main arguments

The present action is brought against the Commission's decision to interrupt the payment deadline in respect of the interim payment application submitted by Spain on 11 December 2009. That interim payment application, for a total amount of EUR 27 754 408,38, relates to the Operational Programmes for Community Assistance of the European Social Fund in the framework of the Objectives of Convergence for the Autonomous Community of Galicia (CCI 2007ES051PO004).

The pleas in law and main arguments are the same as those already raised in Case T-263/10 *Spain v Commission*.

payment of the interim sums applied for and improperly suspended;

— Order the Commission to pay the costs.

Pleas in law and main arguments

The present action is brought against the Commission's decision to interrupt the payment deadline in respect of the interim payment application submitted by Spain on 10 December 2009. That interim payment application, for a total amount of EUR 6 509 540,26, relates to the Operational Programme for Community Assistance of the European Social Fund in the framework of the Objectives of Convergence for the Basque Country (CCI 2007ES052PO010).

The pleas in law and main arguments are the same as those already raised in Case T-263/10 *Spain v Commission*.

Action brought on 16 June 2010 — Spain v Commission

(Case T-266/10)

(2010/C 221/86)

Language of the case: Spanish

Parties

Applicant: Kingdom of Spain (represented by: Mrs Nuria Díaz Abdal, lawyer)

Defendant: European Commission

Form of order sought

— Annul the European Commission's decision of 11 May 2010 declaring the suspension of the interim payment application submitted by Spain on 10 December 2009 on the grounds stated in Part I of the legal reasoning set out in the originating application;

— Uphold the claim that the European Commission should pay interest on account of the delay in the actual

Action brought on 8 June 2010 — Conceria Kara v OHIM (KARA)

(Case T-270/10)

(2010/C 221/87)

Language in which the application was lodged: Italian

Parties

Applicant: Conceria Kara Srl (Trezzano sul Naviglio, Italy) (represented by: P. Picciolini, lawyer)

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

Other party/parties to the proceedings before the Board of Appeal of OHIM: Dima — Gıda Tekstil Deri Insaat Maden Turizm Orman Urünleri Sanayi Ve Ticaret Ltd Sti

Form of order sought

— Annulment of the decision of the Second Board of Appeal of 29 March 2010 on the appeal against the decision of the Opposition Division in Case B 1171453 in proceedings brought by Conceria Kara rejecting Community trade mark application No 5346457.

Pleas in law and main arguments

Applicant for a Community trade mark: DIMA — TEKSTIL DERI INSAAT MADEM TURIZM ORMAN URÜNLERE SANAYI VE TICARET LTD. STI.

Community trade mark concerned: Word mark 'KARRA' for goods and services in Classes 3, 9, 18, 20, 24, 25 and 35.

Proprietor of the mark or sign cited in the opposition proceedings: The applicant.

Mark or sign cited in opposition: Italian figurative marks 'KARA' (No 765 532, for goods in Class 35, and No 761 972 for goods and services in Classes 18 and 25), Community figurative trade mark No 887 810 ('KARA') for goods in, inter alia, Classes 18 and 25, and the business name of the Italian company 'CONCERIA KARA S.R.L.', the right to the use of which is claimed in relation to the same goods and services for earlier marks.

Decision of the Opposition Division: The opposition was upheld in part.

Decision of the Board of Appeal: The appeal was dismissed.

Pleas in law: Failure to state reasons and misinterpretation and misapplication of Article 8(1)(b) of Regulation No 207/2009.

Action brought on 16 June 2010 — H v Council and Others

(Case T-271/10)

(2010/C 221/88)

Language of the case: English

Parties

Applicant: H (Catania, Italy) (represented by: C. Mereu and M. Velardo, lawyers)

Defendants: Council of the European Union, European Commission and European Union Police Mission in Bosnia and Herzegovina ("EUPM")

Form of order sought

— Annul the Contested Decision of 7 April 2010 and, if needed, the Decision of 30 April 2010;

— Order the defendants to pay the damages suffered by the applicant, assessed at 30 000,00 Euro; and

— Order the defendants to pay the costs of the proceedings, as well as an interest of 8 %.

Pleas in law and main arguments

By means of its application, the applicant seeks, pursuant to Article 263 TFEU, the annulment of the Decision rendered by the European Union Police Mission (EUPM) in Bosnia and Herzegovina of 7 April 2010 and, if necessary, of the subsequent confirmation Decision of 30 April 2010, where it was decided to reassign the applicant from the main headquarters of the Mission in Sarajevo to the Regional Office in Banja Luka, as well as the downgrading of the applicant. Furthermore, the applicant seeks, pursuant to Article 340 TFEU, the award of damages in the amount of 30 000,00 Euro.

The applicant submits that the General Court has jurisdiction to rule in this case following the Order of the Civil Service Tribunal of 9 October 2006 in case F-53/06 *Gualtieri v Commission*.

In support of its submissions, the applicant puts forward the following pleas in law:

Firstly, the applicant claims misuse of powers, as there was no objective reason justifying the redeployment.

Secondly, the applicant claims that the Contested Decision is flawed for lack of motivation, as the European Union Police Mission in Bosnia and Herzegovina did not substantiate the operational reasons underlying the redeployment.

Thirdly, there has been a manifest error of appraisal, as there was no need to urgently redeploy a prosecutor to the Regional Office in Banja Luka.

In addition, there has been an infringement of Council Decision No 2009/906/CFSP of 8 December 2009⁽¹⁾ as the Head of Mission was not entitled to reassign the staff but only to provide the management of the staff on a daily basis.