

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders HeidelbergCement AG to pay the costs, including those of the interim proceedings.

⁽¹⁾ OJ C 238, 13.8.2011.

Judgment of the General Court of 14 March 2014 — Italmobiliare v Commission

(Case T-305/11) ⁽¹⁾

(Competition — Administrative proceeding — Decision to request information — Necessity of the information requested — Principle of sound administration — Duty to state reasons — Proportionality)

(2014/C 135/39)

Language of the case: Italian

Parties

Applicant: Italmobiliare SpA (Milan, Italy) (represented initially by: M. Siragusa, F. Moretti, L. Nascimbene, G. Rizza and M. Piergiovanni, and subsequently by: M. Siragusa, F. Moretti, L. Nascimbene and G. Rizza, lawyers)

Defendant: European Commission (represented initially by: B. Gencarelli, L. Malferrari, É. Gippini Fournier and C. Hödlmayer, and subsequently by: L. Malferrari, É. Gippini Fournier and C. Hödlmayer, acting as Agents, and M. Malaguti, lawyer)

Re:

Action for annulment of Commission Decision C(2011) 2364 final of 30 March 2011, in the context of a procedure pursuant to Article 18(3) of Council Regulation (EC) No 1/2003 (Case COMP/39520 — cement and related products).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Italmobiliare SpA to pay the costs.

⁽¹⁾ OJ C 232, 6.8.2011.

Judgment of the General Court of 14 March 2014 — Schwenk Zement v Commission

(Case T-306/11) ⁽¹⁾

(Competition — Administrative proceeding — Decision to request information — Necessity of the information requested — Duty to state reasons — Proportionality)

(2014/C 135/40)

Language of the case: German

Parties

Applicants: Schwenk Zement KG (Ulm, Germany) (represented by: M. Raible, lawyer)

Defendant: European Commission (represented by: M. Kellerbauer, R. Sauer and C. Hödlmayer, acting as Agents, and A. Böhlke, lawyer)

Re:

Action for annulment of Commission Decision C(2011) 2367 final of 30 March 2011, in the context of a procedure pursuant to Article 18(3) of Council Regulation (EC) No 1/2003 (Case COMP/39520 — cement and related products).

Operative part of the judgment

The Court:

1. Annuls Commission Decision C(2011) 2367 final of 30 March 2011 in the context of a procedure pursuant to Article 18(3) of Council Regulation (EC) No 1/2003 (Case COMP 39520 — cement and related products) as regards the 11th series of questions in the questionnaire constituting Annex I thereto;
2. Orders Schwenk Zement KG to bear two thirds of its own costs and two thirds of the costs incurred by the European Commission, and orders the Commission to bear one third of its own costs and one third of the costs incurred by Schwenk Zement KG;
3. Dismisses the remainder of the action.

⁽¹⁾ OJ C 238, 13.8.2011.

Judgment of the General Court of 14 March 2014 — Lardini v OHIM (Affixing of a flower to a collar)

(Case T-131/13) ⁽¹⁾

(Community trade mark — Application for a Community trade mark consisting in the affixing of a flower to a collar — Absolute ground for refusal — No distinctive character — Article 7(1)(b) of Regulation (EC) No 207/2009)

(2014/C 135/41)

Language of the case: Italian

Parties

Applicant: Lardini Srl (Filottrano, Italy) (represented by: P. Roncaglia, G. Lazzeretti, F. Rossi and N. Parrotta, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: P. Bullock and N. Bambara, acting as Agents)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 13 December 2012 (Case R 2578/2011-1), concerning an application for registration as a Community trade mark of a sign consisting in the affixing of a flower to a collar.

Operative part of the judgment

The Court:

1. dismisses the action;
2. orders Lardini Srl to pay the costs.

⁽¹⁾ OJ C 141, 18.5.2013.