

3. Third plea in law, alleging misuse of powers in the present case.

— The applicants doubt whether a decision which makes the eligibility of a Member State's debt instruments conditional on that Member State being required to take action in the form of a buy-back scheme in favour of national central banks is consistent with the anti-inflationary objective set out in Article 127 TFEU, which forms the legal basis of the contested decision.

— Moreover, by the contested decision, the ECB has in fact created yet another form of indirect financial assistance for the Hellenic Republic, suspending the Eurosystem's credit quality thresholds with regard to the Greek government bonds that are covered by the collateral enhancement, thus exceeding its statutory powers, which do not envisage any form of credit facility.

Action brought on 23 May 2012 — Axa Belgium v Commission

(Case T-230/12)

(2012/C 243/38)

Language of the case: French

Parties

Applicant: Axa Belgium (Brussels, Belgium) (represented by: G. Cleenewerck de Crayencour, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul debit notes No 7141101047 in the amount of EUR 1 590,62 dated 23 March 2012 and No 7141101053 in the amount of EUR 10 160,88 dated 23 March 2012;

— annul the payment by means of offsetting outstanding claims against debts which the Commission effected by letter of 26 March 2012 addressed to S.A. Axa Belgium (a letter bearing the reference D(2012) C4 — B.2 — 000212 and signed by Mr B. of DG Budget);

— order the Commission to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on two pleas in law.

1. First plea in law, alleging infringement of the Treaties and an error of law, inasmuch as the Commission issued debit notes in respect of unfounded claims and effected

recovery by offsetting claims that are not certain, of a fixed amount and due. The applicant submits that the Commission is demanding sums which exceed those granted under the legal rules currently in force in connection with the subrogation of the Commission to the rights of its officials who are the victims of accidents caused by persons who are insured in respect of statutory liability by the applicant.

2. Second plea in law, alleging infringement of the principles of sound administration and of the protection of legitimate expectations, inasmuch as the Commission offset notwithstanding a contractual undertaking not to do so and notwithstanding the fact that, for many years, the Commission has always agreed to settle cases by negotiation without having recourse to offsetting and waiting for decisions to be given by the Belgian courts.

Action brought on 29 May 2012 — Wilmar Trading v OHIM — Agroekola EOOD (ULTRA CHOCO)

(Case T-232/12)

(2012/C 243/39)

Language in which the application was lodged: English

Parties

Applicant: Wilmar Trading Pte Ltd (Singapore, Singapore) (represented by: E. Miller, lawyer)

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

Other party to the proceedings before the Board of Appeal: Agroekola EOOD (Sofia, Bulgaria)

Form of order sought

— Annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 27 March 2012 in case R 87/2012-1;

— Order OHIM to consider the appeal filed against the decision of the Opposition Division of 10 November 2011 on opposition No B001760043 and to process in the normal course.

Pleas in law and main arguments

Applicant for a Community trade mark: The other party to the proceedings before the Board of Appeal

Community trade mark concerned: The word mark 'ULTRA CHOCO', for goods in classes 29, 30 and 31 — Community trade mark application No 9221111

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

Mark or sign cited in opposition: Singaporean trade mark registration T0113987B of the word mark 'ultra choco' for goods in class 29; European and Bulgarian non-registered trade mark 'ULTRA CHOCO', invoking Articles 8(3) and 8(4) of Council Regulation No 207/2009