

Defendant: European Commission (represented by: C. Giolito, M. Kellerbauer and G. Meessen, acting as Agents)

Re:

Application for suspension of operation of Commission Decision C(2012) 3533 final of 24 May 2012 rejecting a request for confidential treatment submitted by Akzo Nobel NV, Akzo Nobel Chemicals Holding AB and Eka Chemicals AB pursuant to Article 8 of Decision 2011/695/EU of the President of the European Commission of 13 October 2011 on the function and terms of reference of the hearing officer in certain competition proceedings (Case COMP/38.620 — Hydrogen Peroxide and perborate) and application for interim measures seeking the continuation of the confidential treatment accorded to certain information relating to the applicants in respect of Commission Decision 2006/903/EC of 3 May 2006 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement against Akzo Nobel, Akzo Nobel Chemicals Holding, Eka Chemicals, Degussa AG, Edison SpA, FMC Corporation, FMC Foret S.A., Kemira OYJ, L'Air Liquide SA, Chemoxal SA, Snia SpA, Caffaro Srl, Solvay SA/NV, Solvay Solexis SpA, Total SA, Elf Aquitaine SA and Arkema SA (Case COMP/F/C.38.620 — Hydrogen Peroxide and perborate) (OJ 2006 L 353, p. 54),

Operative part of the order

1. *The operation of Decision C(2012) 3533 of the European Commission of 24 May 2012 rejecting a claim for confidential treatment made by Akzo Nobel NV, Akzo Nobel Chemicals Holding AB and Eka Chemicals AB pursuant to Article 8 of Decision 2011/695/EU of the President of the European Commission of 13 October 2011 on the function and terms of reference of the hearing officer in certain competition proceedings (Case COMP/38.620 — Hydrogen Peroxide and perborate) is suspended.*
2. *The Commission is ordered to refrain from publishing a version of its Decision 2006/903/EC of 3 May 2006 relating to a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement against Akzo Nobel, Akzo Nobel Chemicals Holding, Eka Chemicals, Degussa AG, Edison SpA, FMC Corporation, FMC Foret S.A., Kemira OYJ, L'Air Liquide SA, Chemoxal SA, Snia SpA, Caffaro Srl, Solvay SA/NV, Solvay Solexis SpA, Total SA, Elf Aquitaine SA and Arkema SA (Case COMP/F/C.38.620 — Hydrogen Peroxide and perborate), which is more complete, in relation to Akzo Nobel, Akzo Nobel Chemicals Holding and Eka Chemicals, than that published in September 2007 on the Commission's website.*
3. *The application for interim relief is dismissed for the remainder.*
4. *The costs are reserved.*

Order of the President of the General Court of 14 November 2012 — Intrasoft v Commission

(Case T-403/12 R)

(Interim measures — Public contracts — Procurement procedure — Rejection of a bid — Application for a stay of execution — Lack of urgency)

(2013/C 9/69)

Language of the case: English

Parties

Applicant: Intrasoft International SA (Luxembourg, Luxembourg) (represented by: S. Pappas, lawyer)

Defendant: European Commission (represented by: F. Erlbacher and E. Georgieva, acting as Agents)

Re:

Application for a stay of execution, first, of the decision of the Delegation of the European Union to the Republic of Serbia of 10 August 2012 rejecting the tender submitted by the applicant in the tendering procedure EuropeAid/131367/C/SER/RS concerning technical assistance to the customs administration of Serbia to support the modernisation of the customs system (OJ 2011/S 160-262712), and, secondly, of the decision of the Delegation of the European Union to the Republic of Serbia of 12 September 2012 informing the applicant that the evaluation committee had recommended that the contract be awarded to another tenderer.

Operative part of the order

1. *The application for interim measures is rejected.*
2. *The costs are reserved.*

Action brought on 25 October 2012 — Tridium v OHIM — q-bus Mediatektur (SEDONA FRAMEWORK)

(Case T-467/12)

(2013/C 9/70)

Language in which the application was lodged: English

Parties

Applicant: Tridium, Inc. (Richmond, Unites States) (represented by: M. Nentwig, lawyer)

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

Other party to the proceedings before the Board of Appeal: q-bus Mediatektur GmbH (Berlin, Germany)

Form of order sought

The applicant claims that the Court should:

- Annul the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 2 August 2012 in case R 1943/2011-2; and
- Order the defendant to bear the costs of the proceedings.

Pleas in law and main arguments

Applicant for a Community trade mark: The applicant

Community trade mark concerned: The word mark 'SEDONA FRAMEWORK', for goods in class 9 — Community trade mark application No 9067372

Proprietor of the mark or sign cited in the opposition proceedings: The other party to the proceedings before the Board of Appeal

Mark or sign cited in opposition: International trade mark registration No 934023 of the figurative mark '~sedna', for goods in class 9

Decision of the Opposition Division: Upheld the opposition in its entirety

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law: Infringement of Article 8(1)(b) of Council Regulation No 207/2009.

Action brought on 29 October 2012 — Meta Group v Commission

(Case T-471/12)

(2013/C 9/71)

Language of the case: Italian

Parties

Applicant: Meta Group Srl (Rome, Italy) (represented by: A. Bartolini, V. Coltelli and A. Formica, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- Annul Note No 939970 of the D.G. Enterprise and Industry of the European Commission of 2 August 2012, received by the applicant on 20 August 2012 and signed by the Director of the 'Industrial Innovation and Mobility Indus-

tries' Unit, concerning the 'launch recovery procedure to FP5-FP6 payment contracts No 517557 IRE6 INNOVATION COACH, 517539 IRE6 MARIS, 517548 IRE6 RIS MAZOVIA, 030583 CONNECT-2-IDEAS, 039982 EASY, 014660 RIS MALOPOLSKA, 517529 IINNSOM, 014637 RIS TRNAVA and 014668 RIS WS' signed by the Director Dr Carlo Pettinelli, by which the Commission's decision 'to recover the amount of EUR 345 451.03 under the above agreement' was communicated.

— And, in so far as necessary:

- Annul Note No 660283 of the D. G. Enterprise and Industry of the European Commission of 1 June 2012 signed by the Director of the 'Industrial Innovation and Mobility Industries' Unit and concerning the same matter, which is also contested as an internal measure relating to the recovery procedure which concluded with the adoption of the provision referred to in the above paragraph.

— Annul the Note of 27 September 2012 concerning the recovery of the amount claimed by setting this off against amounts in the applicant's credit balance in connection with the projects which had received grant funding.

— Annul the Note of 27 September 2012 concerning the recovery of the amount claimed by setting this off against amounts in the applicant's credit balance.

— Annul the Budget Execution (general budget and EDF) Note of the European Commission of 10 October 2012, by which the applicant was notified of the setting off against further amounts in its credit balance, amounting in total to EUR 294 290.59.

— Annul all previous and subsequent measures, whether related or subordinate.

— Accordingly:

— Order the Commission to pay the sum of EUR 294 290,59, together with the sum of EUR 54 705,97, and compensation in respect of the resulting loss.

Pleas in law and main arguments

The present action concerns the grant agreements concluded by the applicant and the Commission in the context of the 'Fifth and Sixth Framework Programmes for Research and Technological Development of the European Union'.

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

1. First plea in law, alleging breach of Article 1.1 of the grant agreement, breach of the principle of reasonableness and manifest error in the assessment of the facts.