

Furthermore, the applicant submits that even the opinion of the consulted authorities, which is as yet outstanding, is not a ground for refusing its request. It submits in that regard, that the exception in Article 4(5) of Regulation No 1049/2001 cannot be interpreted so broadly that it gives a Member State a right of veto on the basis of which it could, at its discretion, oppose access to the requested documents. That would be contrary to the Aarhus Convention's objective of establishing and furthering transparency in decision-making in environmental matters.

3. Infringement of the obligation to state reasons

Lastly, the applicant submits that there is infringement of the obligation to state reasons under the second paragraph of Article 296 TFEU.

- (¹) Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies (OJ 2006 L 264, p. 13).
- (²) Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies (OJ 2006 L 264, p. 13).

Action brought on 3 November 2012 — Golam v OHIM — Pentafarma (METABOL)

(Case T-486/12)

(2013/C 9/75)

Language in which the application was lodged: Greek

Parties

Applicant: Sofia Golam (Athens, Greece) (represented by: N.Trovas, lawyer)

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

Other party to the proceedings before the Board of Appeal: Pentafarma-Sociedade Tecnico-Medicinal, SA (Prior Velho, Portugal)

Form of order sought

The applicant claims that the General Court should:

- uphold the present action, so as to annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 19 July 2012 in Case R 1901/2011-1;

- reject the opposition of the other party before the Board of Appeal and grant the application lodged by the applicant in its entirety;
- order the other party before the Board of Appeal to pay the applicant the costs of the present proceedings.

Pleas in law and main arguments

Applicant for a Community trade mark: Sofia Golam

Community trade mark concerned: the word mark 'METABOL' for goods and services in Classes 5, 16 and 30 — Community trade mark application No 8885287

Proprietor of the mark or sign cited in the opposition proceedings: Pentafarma-Sociedade Tecnico-Medicinal, SA

Mark or sign cited in opposition: the Portuguese word mark 'METABOL-MG' which has been registered under No 241841, for goods in Class 5

Decision of the Opposition Division: opposition upheld in part

Decision of the Board of Appeal: decision of the Opposition Division annulled in part

Pleas in law: infringement of Articles 8(1)(a) and (b) of Council Regulation No 207/2009

Action brought on 12 November 2012 — CITEB and Belgo-Metal v Parliament

(Case T-488/12)

(2013/C 9/76)

Language of the case: French

Parties

Applicants: Cit Blaton SA (CITEB) (Schaerbeek, Belgium) and Belgo-Metal (Wetteren, Belgium) (represented by: R. Simar, lawyer)

Defendant: European Parliament

Form of order sought

The applicants claim that the Court should:

- declare the action for annulment admissible;
- annul the decision by which the European Parliament's Directorate General for Infrastructure and Logistics, on 7 September 2012, rejected the applicants' tender and awarded the contract to another tenderer, a decision about which the applicants were informed by letters of 7 and 18 September 2012;
- order the European Parliament to pay the costs.