

— as far as the effects of the annulment are concerned, misapplied Article 264(2) TFEU by drawing a distinction between Article 52(2)a — second subparagraph — of former Regulation No. 1580/2007 and Article 50(3) of Regulation No. 543/2011, on the one hand, and Article 60(7) of Regulation No. 543/2011 on the other, and by delivering a judgment that is impossible to execute with reference to Article 60(7) of Regulation No. 543/2011.

(¹) 543/2011/EU: Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors OJ L 157, p. 1

(²) Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules of Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector OJ L 350, p. 1

Appeal brought on 09/08/2013 by T & L Sugars Ltd, Sidul Açúcares, Unipessoal Lda against the judgment of the General Court (Fifth Chamber) delivered on 6 June 2013 in Case T-279/11: T & L Sugars Ltd, Sidul Açúcares, Unipessoal Lda v European Commission

(Case C-456/13 P)

(2013/C 325/27)

Language of the case: English

Parties

Appellants: T & L Sugars Ltd, Sidul Açúcares, Unipessoal Lda (represented by: D. Waelbroeck, avocat, D. Slater, Solicitor)

Other parties to the proceedings: European Commission, Council of the European Union, French Republic

Form of order sought

The appellants claim that the Court should:

— declare the present appeal admissible and well founded;

— set aside the judgment of the General Court of 6 June 2013 in Case T-279/11 ('the Contested Judgment') to the extent it dismisses as inadmissible the Appellants' action for annulment and rejects its related pleas of illegality;

— refer the case back to the General Court for examination of the substance;

— order the Commission to pay all costs and expenses before the Court of Justice.

Pleas in law and main arguments

The Appellants put forward the following grounds in support of their Appeal:

1. the GC committed an error of law in concluding that the Contested Regulations entailed implementing measures within the meaning of Article 263(4) TFEU;
2. the GC committed an error of law in concluding that Regulation 393/2011 (¹) was not of individual concern to the Appellants;
3. the GC committed an error of law in rejecting the plea of illegality, as a result of errors (1) and (2) above.

As a result, the Appellants request your Court (i) to set aside the Contested Judgment to the extent that it declares inadmissible the Application for Annulment and rejects the plea of illegality; and (ii) refer the case back to the GC.

(¹) Commission Implementing Regulation (EU) No 393/2011 of 19 April 2011 fixing the allocation coefficient for the issuing of import licences applied for from 1 to 7 April 2011 for sugar products under certain tariff quotas and suspending submission of applications for such licences OJ L 104, p. 39

Appeal brought on 16 September 2013 by GRE Grand River Enterprises Deutschland GmbH against the judgment of the General Court (Third Chamber) delivered on 3 July 2013 in Case T-205/12 GRE Grand River Enterprises Deutschland GmbH v Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)

(Case C-494/13 P)

(2013/C 325/28)

Language of the case: German

Parties

Appellant: GRE Grand River Enterprises Deutschland GmbH (represented by: I. Memmler and S. Schulz, Rechtsanwältinnen)

Other parties to the proceedings: Office for Harmonisation in the Internal Market (Trade Marks and Designs), Villiger Söhne GmbH