

Operative part of the order

1. *There is no further need to adjudicate on the action.*
2. *The applicant is ordered to bear its own costs, and to pay the costs incurred by the defendant.*

⁽¹⁾ OJ C 252, 31.8.2013.

Action brought on 31 December 2013 — Invivo v OLAF**(Case T-690/13)**

(2014/C 151/26)

*Language of the case: English***Parties**

Applicant: Invivo Ltd (Abinsk, Russia) (represented by: T. Huopalainen, lawyer)

Defendant: European Anti-Fraud Office (OLAF)

Form of order sought

The applicant claim that the Court should:

- Review the legality of a failure to act on the part of the defendant in case OF/2013/0902 after it has been called upon to act by the applicant;
- Order the defendant to act.

Pleas in law and main arguments

In support of the action, the applicant relies on one plea in law, alleging failure to act based on Article 265 TFEU, as the financial interests of the EU are involved within the meaning of Article 1 of Regulation (EC) No 1073/1999 ⁽¹⁾ when the national agency that grants the aid receives most of its funds from the EU and where on the alleged abuser side legal entities from at least two member states are involved.

⁽¹⁾ Regulation (EC) No 1073/1999 of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF) (OJ 1999 L 136, p. 1)

Action brought on 10 February 2014 — Schniga v CPVO — Brookfield New Zealand (Gala Schnitzer)**(Case T-91/14)**

(2014/C 151/27)

*Language in which the application was lodged: English***Parties**

Applicant: Schniga GmbH (Bolzano, Italy) (represented by: G. Würtenberger and R. Kunze, lawyers)

Defendant: Community Plant Variety Office (CPVO)

Other party to the proceedings before the Board of Appeal: Brookfield New Zealand Ltd (Havelock North, New Zealand)

Form of order sought

The applicant claims that the Court should:

- Annul the decision dated 20 September 2013 of the Board of Appeal of the Community Plant Variety Office in Case A 004/2007;
- Order the defendant to pay the costs of the proceedings.

Pleas in law and main arguments

Applicant for a Community plant variety right: The applicant

Community plant variety right concerned: Gala Schnitzer — Community Plant Variety Right No. EU 18759

Decision of the Committee of the CPVO: Upheld the Community plant variety right

Decision of the Board of Appeal: Found the appeal well founded and annulled the contested decision

Pleas in law: Infringement of Articles 61 (1) (b), 55 (4), 59 (3) and 62 of the Council Regulation No. 2100/94.

Action brought on 10 February 2014 — Schniga v CPVO — Elaris (Gala Schnitzer)

(Case T-92/14)

(2014/C 151/28)

Language in which the application was lodged: English

Parties

Applicant: Schniga GmbH (Bolzano, Italy) (represented by: G. Würtenberger and R. Kunze, lawyers)

Defendant: Community Plant Variety Office (CPVO)

Other party to the proceedings before the Board of Appeal: Elaris SNC (Angers, France)

Form of order sought

The applicant claims that the Court should:

- Annul the decision dated 20 September 2013 of the Board of Appeal of the Community Plant Variety Office in Case A 003/2007;
- Order the defendant to pay the costs of proceedings.

Pleas in law and main arguments

Applicant for a Community plant variety right: The applicant

Community plant variety right concerned: Gala Schnitzer — Community Plant Variety Right No. EU 18759

Decision of the Committee of the CPVO: Upheld the Community plant variety right

Decision of the Board of Appeal: Found the appeal well founded and annulled the contested decision

Pleas in law: Infringement of Articles 61 (1) (b), 55 (4), 59 (3) and 62 of the Council Regulation No. 2100/94.
