

3. Third plea in law:

- Inapplicability, pursuant to Article 277 TFEU, of Article 10a(5) of Directive 2003/87/EC and Article 15(3) of Commission Decision 2011/278/EU, which form the basis on which the contested decision was adopted, in so far as it is possible to apply those provisions without taking account of Article 10a(12) to (18) of Directive 2003/87/EC, Article 16 of Commission Decision 2011/278/EU and Commission Decision 2010/2/EU, which confirm the need to proceed in a specific manner in those sectors and subsectors which are deemed to be exposed to a significant risk of carbon leakage, and inapplicability of the adoption by the European Commission of a uniform cross-sectoral correction factor for all sectors.

Action brought on 28 April 2014 — Cyprus v OHIM (XΑΛΛΟΥΜΙ)

(Case T-292/14)

(2014/C 245/28)

Language of the case: English

Parties

Applicant: Republic of Cyprus (represented by: S. Malynicz, Barrister, and V. Marsland, Solicitor)

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

Form of order sought

The applicant claims that the Court should:

- Annul the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 19 February 2014 given in Case R 1849/2013-4;
- Order the defendant to pay the costs of proceedings.

Pleas in law and main arguments

Community trade mark concerned: The word mark 'XΑΛΛΟΥΜΙ' for goods in Class 29 — Community trade mark application No 11 578 473

Decision of the Examiner: Rejected the application in its entirety

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law: Infringement of Article 7(1)(c) and (b) CTMR.

Action brought on 28 April 2014 — Cyprus v OHIM (HALLOUMI)

(Case T-293/14)

(2014/C 245/29)

Language of the case: English

Parties

Applicant: Republic of Cyprus (represented by: S. Malynicz, Barrister, and V. Marsland, Solicitor)

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

Form of order sought

The applicant claims that the Court should:

- Annul the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 19 February 2014 given in Case R 1503/2013-4;
- Order the defendant to pay the costs of proceedings.

Pleas in law and main arguments

Community trade mark concerned: The word mark 'HALLOUMI' for goods in Class 29 — Community trade mark application No 11 570 124

Decision of the Examiner: Rejected the application in its entirety

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law: Infringement of Article 7(1)(c) and (b) CTMR.

Action brought on 1 May 2014 — PKK/Conseil

(Case T-316/14)

(2014/C 245/30)

Language of the case: English

Parties

Applicant: Kurdistan Workers' Party (PKK) (represented by: A. van Eik, T. Buruma and M. Wijngaarden, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- Annul Council Implementing Regulation (EU) No 125/2014 ⁽¹⁾ insofar as it concerns the PKK (a.k.a. KADEK a.k.a. Kongra-GEL);
- Determine that Council Regulation (EC) No 2580/2001 ⁽²⁾ is not applicable to the PKK (a.k.a. KADEK a.k.a. Kongra-GEL);
- In the alternative, determine that a lesser measure than continued placement on the list is warranted;
- Award of costs and interest to the applicant.

Pleas in law and main arguments

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

1. First plea in law, alleging that Council Implementing Regulation (EU) No 125/2014 is void insofar as it concerns the PKK and/or Council Regulation (EC) No 2580/2001 is inapplicable due to a failure to observe the law of armed conflict.
2. Second plea in law, alleging that Council Implementing Regulation (EU) No 125/2014 is void insofar as it concerns the PKK since the PKK cannot be qualified as a 'terrorist organisation' as defined in Article 1(3) of Council Common Position 2001/931/CFSP ⁽³⁾.
3. Third plea in law, alleging that Council Implementing Regulation (EU) No 125/2014 is void insofar as it concerns the PKK because no decision by a competent authority, as required by Article 1(4) of Council Common Position 2001/931/CFSP has been taken.