Action brought on 7 July 2014 — Pelikan v OHIM — Hachette Filipacchi Presse (be.bag)

(Case T-517/14)

(2014/C 448/34)

Language in which the application was lodged: English

Parties

Applicant: Pelikan Vertriebsgesellschaft mbH & Co. KG (Hannover, Germany) (represented by: A. Nordemann, lawyer)

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

Other party to the proceedings before the Board of Appeal: Hachette Filipacchi Presse SA (Levallois Perret, France)

Details of the proceedings before OHIM

Applicant: Applicant

Trade mark at issue: The word mark 'be.bag' — International registration designating the European Union No 1192/2013-1

Procedure before OHIM: Opposition proceedings

Contested decision: Decision of the First Board of Appeal of OHIM of 3 April 2014 in Case R 1192/2013-1

Form of order sought

The applicant claims that the Court should:

— annul the contested decision in part;

— order OHIM to pay the costs.

Plea in law

— Infringement of Articles 8(1)(b) and 8(5) of Regulation No 207/2009.

Action brought on 15 September 2014 — Hungary v European Commission

(Case T-662/14)

(2014/C 448/35)

Language of the case: Hungarian

Parties

Applicant: Hungary (represented by: M.Z. Fehér and G. Koós, agents)

Defendant: European Commission

Form of order sought

— set aside Article 45(8) of Commission Delegated Regulation (EU) No 639/2014 of 11 March 2014 supplementing Regulation (EU) No 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and amending Annex X to that Regulation, as regards the part which is worded: '- by selecting from the list established pursuant to Article 4(2)(c) of Regulation (EU) No 1307/2013 the species that are most suitable from an ecological perspective, thereby excluding species that are clearly not indigenous –';

— order the Commission to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant argues that the contested Article 45(8) exceeds the limits of the authority conferred by Regulation No 1307/2013/EU ([1]) and in practice deprives of any substance the authority granted to the Member States by introducing a restrictive requirement reinterpreting the authority given to the Member States by the basic legislation.

In addition, the applicant takes the view that the preamble to the contested regulation does not state the requisite sufficient and detailed reasons. In its view, a change relating to an authorising provision on such a scale and to such a degree makes it impossible in practice to determine unequivocally precisely on which authorising provision the Commission based its position and to what extent, which makes it almost impossible to conduct the review which is indispensable from the point of view of legal certainty.

The applicant also pointed out that the legislation adopted by the Commission in practice caused unfair discrimination against those tree species called short rotation coppice or the producers of them. The plantations or planters of both types are in the same position, so that a distinction between them on the basis of the tree species they choose to plant is not justified.

The applicant also states that throughout the negotiations on the authorising regulation, the Commission also argued against allowing Member States to classify areas planted with short rotation coppice as areas of ecological interest. According to the applicant, all the signs are that the Commission wished to prevent that possibility by means of the contested legislation, thus abusing its power.

Finally, the applicant considers, inter alia, that the contested regulation breaches the general principle of legal certainty in that, on the one hand, Article 45(8) of the contested regulation is unclear from many points of view, while, on the other hand, the regulation does not provide for a sufficient adaptation period before its entry into force in order to prepare for a change of such importance. In the applicant's view, it also breaches the principle of legitimate expectations, because the Commission, in establishing the provisions for entry into force, did not take into account the fact that in the agricultural sector a longer period of preparation was required in this situation. In addition, in the applicant's view, the contested measure also constituted an infringement of the right to property enshrined in Article 17 of the Charter of Fundamental Rights of the European Union.

([1]) Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009.

Action brought on 22 September 2014 — Slovakia v Commission

(Case T-678/14)

(2014/C 448/36)

Language of the case: Slovak

Parties

Applicant: Slovak Republic (represented by: B. Ricziová, Agent)

Defendant: European Commission

Form of order sought

The applicant claims that the General Court should:

— declare invalid the Commission's decision, contained in the letter of 15 July 2014, by which the Commission demands the Slovak Republic to make available the funds corresponding to the loss of traditional own resources; and