

Operative part of the judgment

The Court:

- 1) *Dismisses the action.*
- 2) *Orders Oracle America, Inc. to pay the costs.*

⁽¹⁾ OJ C 344, 23.11.2013.

Action brought on 12 November 2014 — Comber v Commission

(Case T-752/14)

(2015/C 034/46)

Language of the case: German

Parties

Applicant: Comber SA (Lausanne, Switzerland) (represented by: D. Heel, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the Commission Decision of 16 July 2014 (REM 05/2013) on the refusal of the application for remission of import duties amounting to EUR 461 415,12;
- order the defendant to pay the costs of these proceedings.

Pleas in law and main arguments

In support of the action, the applicant submits that the post-clearance customs duties for the import of linen fabric from Latvia in the years 1999 to 2002 must be remitted in accordance with Article 239 of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ 1992 L 302, p. 1) due to the presence of special circumstances. The applicant cites as special circumstances serious breaches of obligations by the Latvian customs authorities, serious breaches of obligations by the European Commission/OLAF and serious misconduct of the German customs authorities. In the applicant's view, those circumstances cannot be attributed to obvious negligence on its part.

Action brought on 10 November 2014 — Efler and Others v Commission

(Case T-754/14)

(2015/C 034/47)

Language of the case: German

Parties

Applicants: Michael Efler (Berlin, Germany), Pedro De Birto E. Abreu Krupenski (Lisbon, Portugal), Susan Vance George (Paris, France), Otto Jaako Kronqvist (Helsinki, Finland), Blanche Léonie Denise Weber (Luxembourg, Luxembourg), John Jephson Hilary (London, United Kingdom), Ileana-Lavinia Andrei (Bucharest, Romania) (represented by: Professor B. Kempen)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

- annul the Commission Decision of 10 September 2014 on the refusal to register the European Citizens' Initiative 'STOP TTIP' — C (2014)6501;
- order the Commission to pay the costs of the proceedings and the costs of any intervening party.

Pleas in law and main arguments

In support of the action, the applicants rely on two pleas in law.

1. First plea in law: By assuming that the proposed citizens' initiative does not fall within its competence, the Commission infringed Article 11(4) TEU as well as Article 2(1) and Article 4(2)(b) of Regulation (EU) No 211/2011 ⁽¹⁾.
 - The applicants submit in that regard that the Commission's reasoning — that the intended recommendation to the Commission to withdraw the negotiating mandate for the 'Transatlantic Trade and Investment Partnership' (TTIP) is not directed at a 'legal act' within the meaning of Article 11(4) TFEU — is defective. For both the grant of the negotiating mandate and its withdrawal are decisions of the Council within the meaning of the fourth paragraph of Article 288 TFEU, which at the same time are 'legal acts' within the meaning of Article 11(4) TFEU.
 - The applicants further submit that the Commission's additional reasoning — that the citizens' initiative against the 'Comprehensive Economic and Trade Agreement' (CETA) and TTIP cannot require the Commission to refrain from recommending the Council to accept the respective negotiated international agreements, and also cannot require the Commission to recommend a decision on the non-acceptance of the respective negotiated agreements — is also defective. For it is in no way apparent from Article 11(4) TEU, Article 2(1) and Article 4(2)(b) of Regulation No 211/2011 that citizens' initiatives directed at the abolition of existing legal acts or citizens' initiatives directed at the non-adoption of proposed legal acts are to be inadmissible.
 - The applicants further submit that the non-registration of the 'STOP-TTIP' citizens' initiative is also unlawful because, in any event, the proposed citizens' initiative does not 'manifestly' fall outside the Commission's competence in accordance with Article 4(2)(b) of Regulation No 211/2011.
2. Second plea in law: Infringement of the general principles of good administrative practice as provided for in Article 41 of the Charter of Fundamental Rights of the European Union and of equal treatment as provided for in Article 20 of the Charter
 - The applicant takes the view that, by refusing, in the applicant's case, to register the citizens' initiative directed against TTIP and CETA, although it previously registered a citizens' initiative directed at the termination of the agreement with Switzerland on freedom of movement ('Swiss-Out-Initiative'), the Commission did not observe those principles.

⁽¹⁾ Regulation (EU) No 211/2011 of the European Parliament and of the Council of 16 February 2011 on the citizens' initiative (OJ 2011 L 65, p. 1).

Action brought on 14 November 2014 — Legakis and Others v Council**(Case T-765/14)**

(2015/C 034/48)

*Language of the case: Greek***Parties**

Applicants: Georgios Legakis, Mirto Panagiota Legakis, Maria Legakis and Melina Legakis (Palaio Faliro, Greece) (represented by: V. Christianos, lawyer)