

Judgment of the General Court of 17 March 2016 — Zoofachhandel Züpke and Others v Commission(Case T-817/14) ⁽¹⁾

(Non-contractual liability — Health policy — Combating avian influenza — Prohibition of the importation of captured wild birds into the EU — Regulation (EC) No 318/2007 and Implementing Regulation (EU) No 139/2013 — Sufficiently serious breach of rules of law conferring rights on individuals — Manifest and serious disregard for the limits of discretion — Proportionality — Duty of care — Articles 15 to 17 of the Charter of Fundamental Rights)

(2016/C 156/49)

Language of the case: German

Parties

Applicants: Zoofachhandel Züpke GmbH (Wesel, Germany), Zoohaus Bürstadt, Helmut Ofenloch GmbH & Co. KG (Bürstadt, Germany), Zoofachgeschäft — Vogelgroßhandel Import-Export Heinz Marche (Heinsberg, Germany), Rita Bürgel (Uthleben, Germany), and Norbert Kass (Altenbeken, Germany) (represented by: C. Correll, lawyer)

Defendant: European Commission (represented by: B. Eggers and H. Kranenborg, acting as Agents)

Re:

Action for compensation in respect of the harm allegedly suffered by the applicants, from 1 January 2010, by reason of the adoption of the prohibition of the importation of captured wild birds into the European Union contained, first, in Commission Regulation (EC) No 318/2007 of 23 March 2007 laying down animal health conditions for imports of certain birds into the Community and the quarantine conditions thereof (OJ 2007 L 84, p. 7) and, subsequently, in Commission Implementing Regulation (EU) No 139/2013 of 7 January 2013 laying down animal health conditions for imports of certain birds into the Union and the quarantine conditions thereof (OJ 2013 L 47, p. 1).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Zoofachhandel Züpke GmbH, Zoohaus Bürstadt, Helmut Ofenloch GmbH & Co. KG, Zoofachgeschäft — Vogelgroßhandel Import-Export Heinz Marche, Ms Rita Bürgel and Mr Norbert Kass to pay their own costs and those incurred by the European Commission.

⁽¹⁾ OJ C 89, 16.3.2015.

Judgment of the General Court of 18 March 2016 — Grupo Bimbo v OHIM (BIMBO)(Case T-33/15) ⁽¹⁾

(Community trade mark — Application for Community word mark BIMBO — Absolute grounds for refusal — Absence of distinctive character — Descriptive character — Article 7(1)(b) and (c) and 7(3) of Regulation (EC) No 207/2009)

(2016/C 156/50)

Language of the case: Spanish

Parties

Applicant: Grupo Bimbo, SAB de CV (Mexico City, Mexico) (represented by: N. Fernández Fernández-Pacheco, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: E. Zaera Cuadrado, acting as Agent)

Re:

Action for annulment of the decision of the Second Board of Appeal of OHIM of 19 November 2014 (Case R 251/2014-2) concerning an application for registration of the word sign BIMBO as a Community trade mark.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Grupo Bimbo, SAB de CV to pay the costs.*

⁽¹⁾ OJ C 89, 16.3.2015.

Judgment of the General Court of 16 March 2016 — Hydrex v Commission

(Case T-45/15) ⁽¹⁾

(Grant agreement relating to a project concerning a financial instrument for the environment — Recovery order — Enforceable decision within the meaning of Article 299 TFEU — Obligation to state reasons — Errors of assessment — Force majeure)

(2016/C 156/51)

Language of the case: Dutch

Parties

Applicant: Hydrex NV (Antwerp, Belgium) (represented by: P. Van Eysendeyk, lawyer)

Defendant: European Commission (represented by: S. Lejeune and G. Wils, acting as Agents)

Re:

Action for annulment of Commission Decision C (2015) 103 final of 12 January 2015 relating to recovery order No 3241405101 issued against the applicant and involving an amount of EUR 540 721,10.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Hydrex NV to bear its own costs and those incurred by the European Commission, including the costs relating to the interim proceedings.*

⁽¹⁾ OJ C 96, 23.3.2015.