

**Judgment of the General Court of 5 October 2016 — European Children’s Fashion Association and Instituto de Economía Pública v EACEA**

(Case T-724/14) <sup>(1)</sup>

*(Arbitration clause — Grant agreement concluded under the action programme ‘Lifelong Learning (2007-2013)’ — ‘Brand & Merchandising manager for SMEs in the childrens’ product sector’ project — Action for annulment — Act not subject to appeal — Act forming part of a purely contractual agreement from which it is indissociable — Inadmissibility — Ineligible expenditure — Reimbursement of the sums paid — Audit report)*

(2016/C 419/46)

Language of the case: French

**Parties**

*Applicants:* European Children’s Fashion Association (Valencia, Spain) and Instituto de Economía Pública (Valencia) (represented by: A. Haegeman, lawyer)

*Defendant:* Education, Audiovisual and Culture Executive Agency (EACEA) (represented by: H. Monet and A. Jaume, acting as Agents)

**Re:**

Primarily, application, pursuant to Article 272 TFEU, seeking a declaration that the first application is not required to reimburse the sum paid to it by EACEA under the agreement for the execution of the ‘Brand & Merchandising Manager for SMEs in the Children’s Product Sector’ project, or, in the alternative, application for annulment, firstly, of EACEA’s pre-information letter of 1 August 2014 informing the first applicant that it had to reimburse the sum of EUR 82 378,81 following the audit of the that project and, secondly, of debit note No 3241401420, issued by EACEA on 5 August 2014, seeking the reimbursement of that sum.

**Operative part of the judgment**

*The Court:*

1. *Dismisses the action;*
2. *Orders European Children’s Fashion Association and Instituto de Economía Pública to pay the costs.*

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<sup>(1)</sup> OJ C 7, 12.1.2015.

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**Judgment of the General Court of 30 September 2016 — Trajektna luka Split v Commission**

(Case T-70/15) <sup>(1)</sup>

*(Competition — Abuse of dominant position — Decision finding an infringement of Article 102 TFEU — Setting of fees by the Split Port Authority for port services in respect of domestic traffic at maximum levels — Rejection of a complaint — Case being dealt with by a competition authority of a Member State — No EU interest)*

(2016/C 419/47)

Language of the case: English

**Parties**

*Applicant:* Trajektna luka Split d.d. (Split, Croatia) (represented by: M. Bauer, H.-J. Freund and S. Hankiewicz, lawyers)

*Defendant:* European Commission (represented by: C. Giolito, C. Urraca Caviedes and I. Zaloguín, acting as Agents)

**Re:**

Application pursuant to Article 263 TFEU for the annulment of Commission Decision C(2014) 9236 final of 28 November 2014, rejecting the complaint lodged by the applicant concerning infringements of Article 102 TFEU allegedly committed by the Split Port Authority or of Articles 102 and 106 TFEU committed by the Republic of Croatia or the Split Port Authority (Case AT.40199 — Port of Split).

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders *Trajektna luka Split d.d.* to pay the costs.

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<sup>(1)</sup> OJ C 118, 13.4.2015.

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**Judgment of the General Court of 28 September 2016 — Intesa Sanpaolo v EUIPO (WAVE 2 PAY and WAVE TO PAY)**

(Case T-129/15 and T-130/15) <sup>(1)</sup>

**(EU trade mark — Application for EU word marks WAVE 2 PAY and WAVE TO PAY — Absolute grounds for refusal — Descriptive character — Lack of distinctive character — Article 7(1)(b) and (c) and Article 7(2) of Regulation (EC) No 207/2009 — Obligation to state reasons — Article 75 of Regulation No 207/2009)**

(2016/C 419/48)

*Language of the case: Italian*

**Parties**

*Applicant:* Intesa Sanpaolo SpA (Turin, Italy) (represented by: P. Pozzi and F. Cecchi, lawyers)

*Defendant:* European Union Intellectual Property Office (represented by: initially P. Bullock and L. Rampini, then L. Rampini, acting as Agents)

**Re:**

Action brought against two decisions of the Fifth Board of Appeal of EUIPO of 19 January 2015 (Cases, respectively, R 1857/2014-5 and R 1864/2014-5), concerning two applications for registration of the word signs, respectively, WAVE 2 PAY and WAVE TO PAY as EU trade marks.

**Operative part of the judgment**

*The Court:*

1. Dismisses the actions;
2. Orders *Intesa Sanpaolo SpA* to pay the costs.

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<sup>(1)</sup> OJ C 155, 2.7.2015.