

Judgment of the General Court of 9 September 2015 — SV Capital v EBA(Case T-660/14) ⁽¹⁾

(Economic and monetary policy — Application to initiate an investigation for an alleged breach of EU law — Decision of the EBA — Decision of the Board of Appeal of the European Supervisory Authorities — Finding of the Court of its own motion — Lack of competence of the author of the act — Action for annulment — Period allowed for commencing proceedings — Delay — Partly inadmissible)

(2015/C 346/35)

Language of the case: English

Parties

Applicant: SV Capital OÜ (Tallinn, Estonia) (represented by: M. Greinoman, lawyer)

Defendant: European Banking Authority (EBA) (represented by: J. Overett Somnier and Z. Giotaki, acting as Agents, and by F. Tuytschaever, lawyer)

Intervener in support of the defendant: European Commission (represented by: W. Mölls and K.-P. Wojcik, acting as Agents)

Re:

Application for the annulment, first, of Decision C 2013 002 of the EBA of 21 February 2014 rejecting the applicant's request for an investigation to be initiated against the Estonian and Finnish financial sector supervisory authorities, pursuant to Article 17(2) of Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ 2010 L 331, p. 12), as a result of an alleged breach of EU law and, secondly, of Decision 2014-C1-02 of the Board of Appeal of the European Supervisory Authorities of 14 July 2014 dismissing the action brought against that decision.

Operative part of the judgment

The Court:

1. Annuls Decision 2014-C1-02 of the Board of Appeal of the European Supervisory Authorities of 14 July 2014;
2. Dismisses the action as to the remainder;
3. Orders each party to bear its own costs.

⁽¹⁾ OJ C 431, 1.12.2014.

Order of the President of the General Court of 1 September 2015 — France v Commission

(Case T-344/15 R)

(Application for interim measures — Access to documents of the institutions — Regulation (EC) No 1049/2001 — Documents sent by the French authorities to the Commission in accordance with the procedure laid down in Directive 98/34/EC — France's objection to disclosure of the documents — Decision to grant a third party access to the documents — Application for suspension of operation — Urgency — Prima facie case — Weighing up of interests)

(2015/C 346/36)

Language of the case: French

Parties

Applicant: French Republic (represented by: F. Alabrune, G. de Bergues, D. Colas and F. Fize, acting as Agents)

Defendant: European Commission (represented by: J. Baquero Cruz and F. Clotuche-Duvieusart, acting as Agents)

Re:

Application to suspend operation of Decision GESTDEM 2014/6064 of 21 April 2015 concerning a confirmatory application for access pursuant to Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001, regarding public access to European Parliament, Council and Commission documents (OJ 2001 L 145, p. 43), by which the Commission granted access to two documents emanating from the French authorities which had been sent to the Commission in accordance with the procedure laid down in Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services (OJ 1998 L 204, p. 37).

Operative part of the order

1. *The operation of European Commission decision GESTDEM 2014/6064 of 21 April 2015 concerning a confirmatory application for access pursuant to Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001, regarding public access to European Parliament, Council and Commission documents, by which the Commission granted access to two documents emanating from the French authorities which had been sent to the Commission in accordance with the procedure laid down in Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services, is suspended.*
2. *Costs are reserved.*

Action brought on 9 July 2015 — Renfe-Operadora v OHIM (AVE)

(Case T-367/15)

(2015/C 346/37)

Language of the case: Spanish

Parties

Applicant: Renfe-Operadora, Public business entity (Madrid, Spain), (represented by: J.-B. Devaurieux, lawyer and M. Hernández Sandoval, lawyer)

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

Details of the proceedings before OHIM

Trade mark at issue: Community figurative mark containing the word element 'AVE' — Application for *restitutio in integrum* — Application for registration No 5.640.198

Contested decision: Decision of the Fifth Board of Appeal of OHIM of 24 April 2015 in Case R 712/2014-5