

- in the alternative annul Article 4(2) of that Decision, and
- order the defendant institution to bear the costs.

Pleas in law and main arguments

The contested decision in this case is the same as that in Case T-826/14, *Spain v Commission*, and Case T-12/15, *Banco de Santander and Santusa v Commission*.

In support of the action, the applicant relies on five pleas in law.

1. First plea in law, alleging infringement of Article 296 TFEU on the ground of failure to state reasons.
2. Second plea in law, alleging infringement of Article 107(1) TFEU, since, according to the applicants the measure under assessment does not meet the criteria to constitute state aid.
3. Third plea in law, alleging infringement of Article 108(3) TFEU, Article 1(c) of Council Regulation (EC) No 659/1999 of 22 March 1999, laying down detailed rules for the application of Article 93 of the EC Treaty, and Article 4(1) of Regulation (EC) No 794/2004, implementing Regulation (EC) No 659/1999, since the measure under assessment does not constitute new, unlawful and incompatible aid.
4. Fourth plea in law, alleging the invalidity of Article 4(2) of the Third Decision on the ground of infringement of Article 14(1) of Regulation No 659/1999, by failing to limit the recovery order in the same terms as the first two decisions did (acquisitions earlier than 21 December 2007).
5. Fifth plea in law, alleging the invalidity of Article 4 of the Third Decision (recovery order) on the ground of infringement of Article 14(1) of Regulation No 659/1999, by not excluding indirect operations before 10 March 2005 from the recovery order.

Action brought on 21 May 2015 — Sociedad General de Aguas de Barcelona v Commission

(Case T-253/15)

(2015/C 245/42)

Language of the case: Spanish

Parties

Applicant: Sociedad General de Aguas de Barcelona (Barcelona, Spain) (represented by: J. de Juan Casadevall, lawyer)

Defendant: European Commission

Forms of order sought

- annul the contested decision;
- in the alternative, if the main claim is rejected, annul the contested decision insofar as it does not limit the recovery order to indirect acquisitions made after 21 December 2007, and does not recognise the right to full application of tax concessions during the entire period provided for in Article 12.5 of the Royal Legislative Decree 4/2004 of 5 March approving the Texto Refundido de la Ley del Impuesto sobre Sociedades (the consolidated text of the Spanish Company Tax Act), and
- order the European Commission to bear the costs.

Pleas in law and main arguments

The contested decision in these proceedings is the same as that in Cases T-12/15, *Banco de Santander and Santusa v Commission*, and T-252/15 *Ferrovial SA and others v Commission*.

The pleas and main arguments relied on are similar to those already raised in those cases.

It is claimed in particular that there was an error in law in the application of the selectivity criterion, that there was a misuse of powers and an infringement of the principles of equality and legitimate expectations.

Action brought on 18 May 2015 — Aldi Einkauf v OHIM — Dyado Liben OOD (Casale Fresco)**(Case T-254/15)**

(2015/C 245/43)

*Language in which the application was lodged: German***Parties**

Applicant: Aldi Einkauf GmbH & Co. oHG (Essen, Germany) (represented by: N. Lützenrath, U. Rademacher, C. Fürsen and N. Bertram, Lawyers)

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

Other party to the proceedings before the Board of Appeal: Dyado Liben OOD (Sofia, Bulgaria)

Details of the proceedings before OHIM

Applicant/Proprietor of the trade mark at issue: Applicant

Trade mark at issue: Community word mark ‘Casale Fresco’ — Application No 010 886 604

Procedure before OHIM: Opposition proceedings

Contested decision: Decision of the Fourth Chamber of the Board of Appeal of OHIM of 11.03.2015 in Case R 1138/2014-4

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— order OHIM to pay the costs.

Plea in law

— Infringement of Article 8(1)(b) of Regulation No 207/2009.

Action brought on 22 May 2015 — Telefónica v Commission**(Case T-256/15)**

(2015/C 245/44)

*Language of the case: Spanish***Parties**

Applicant: Telefónica, S.A. (Madrid, Spain) (represented by: J. Ruiz Calzado and J. Domínguez Pérez, lawyers)