

Trade mark at issue: Community figurative mark containing the word elements 'Choco love' — Community trade mark application No 11 496 916

Procedure before OHIM: Opposition proceedings

Contested decision: Decision of the First Board of Appeal of OHIM of 26 March 2015 in Case R 1369/2014-1

Form of order sought

The applicant claims that the Court should:

- uphold the application, alter the contested decision by accepting the opposition and reject the Community trade mark application 'Choco love'; or in the alternative:
- annul the contested decision and remit the case to OHIM for reexamination;
- order OHIM to pay the applicant's costs.

Plea in law

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

Action brought on 2 June 2015 — Hellenic Republic v Commission

(Case T-327/15)

(2015/C 279/52)

Language of the case: Greek

Parties

Applicant: Hellenic Republic (represented by: G. Kanellopoulos, O. Tsirkinodou and A. E. Vasilopoulou)

Defendant: European Commission

Form of order sought

The applicant claims that the General Court should:

- annul the Commission Implementing Decision of 25 March 2015 on applying financial correction on the EAGGF Guidance Section of the Operational Programme CCI No 2000GR061PO021 (GREECE — Objective 1 — Rural Reconstruction), to the amount of EUR 72 105 592,41, which was notified under number C(2015) 1936 final.

Pleas in law and main arguments

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

1. In the first plea for annulment, it is claimed that the contested decision lacks a legal basis, because Article 39 of Regulation (EC) 1260/1999 ⁽¹⁾, on which it is based, has been repealed, in so far as concerns the EAGGF Guidance Section (the first part of the first plea in law), and, in any event, the legal requirements for reliance on Article 39 of Regulation (EC) No 1260/1999 are not met in advance (the second part of the first plea in law).

2. In the second plea for annulment, it is claimed, in the alternative to the first plea in law, that the adoption of the contested decision exceeded the competence *ratione temporis* of the Commission (the first part of the second plea in law), or that its adoption was out of time and in breach of essential procedural requirements and is an infringement of the right of the Hellenic Republic to be heard and of its rights of defence (the second part of the second plea in law).
3. In the third plea, it is claimed that the contested decision is incompatible with the principle of legal certainty and the legitimate expectations of the Member State.
4. Last, in the fourth plea for annulment it is claimed that the contested decision has infringed the principle of *ne bis in idem* because a multiple correction has been imposed, and in any event it is claimed that the financial correction imposed is entirely disproportionate and should be annulled.

(¹) Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds (OJ 1999 L 161, p. 1).

**Appeal brought on 24 June 2015 by Geoffroy Alsteens against the judgment of the Civil Service
Tribunal of 21 April 2015 in Case F-87/12 RENV Alsteens v Commission**

(Case T-328/15 P)

(2015/C 279/53)

Language of the case: French

Parties

Appellant: Geoffroy Alsteens (Marcinelle, Belgium) (represented by: S. Orlandi and T. Martin, lawyers)

Other party to the proceedings: European Commission

Form of order sought

The appellant claims that the Court should:

- set aside the judgment of the Civil Service Tribunal in Case F-87/12 RENV *Alsteens v Commission*;
- annul the Commission's decision of 18 November 2011 to the extent that it fixes 31 March 2012 as the limit of the extension period for the appellant's temporary staff contract;
- order the Commission to pay a provisional sum of 1 euro by way of compensation for the damage suffered by the appellant, together with the costs of the four sets of legal proceedings.

Grounds of appeal and main arguments

The appellant raises three grounds in support of his appeal.

1. First ground of appeal, alleging infringement of the adversarial principle and an error of law. The appellant claims that the Civil Service Tribunal ('the CST') (i) wrongly rejected as inadmissible, in the light of the rule of correspondence, the pleas in law based on a manifest error of assessment and the principle of sound administration, even though the Commission had never raised an objection of inadmissibility and the parties had never had the opportunity to take a position on that alleged inadmissibility, and (ii) in any event, erred in law in finding that the appellant had not complied with the rule of correspondence.