

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 15(1)(a) of Regulation No 207/2009.

Action brought on 1st July 2015 — French Republic v European Commission**(Case T-344/15)**

(2015/C 270/49)

*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

Form of order sought

The applicant requests the court to:

- annul the decision of the European Commission GESTDEM 2014/6046 of 21 April 2015 concerning the 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;
- order the Commission to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging infringement of Article 4(5) of Regulation (EC) No 1049/2001 ⁽¹⁾, which provides that a Member State may request an institution not to disclose a document originating from that Member State without its prior agreement.
2. Second plea in law, in the alternative, alleging infringement of the obligation to give reasons concerning the non-application of the exception provided at the third indent of Article 4(2) of Regulation (EC) No 1049/2001.

3. Third plea in law, in the further alternative, alleging infringement of the second and third indents of Article 4(2) of Regulation (EC) No 1049/2001. The applicant contends that the Commission could have refused access to the documents sent by the French authorities in accordance with the procedure provided in Directive 98/34/EC⁽²⁾, in so far as that procedure would constitute an investigation within the meaning of the article cited above.

⁽¹⁾ 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).

⁽²⁾ 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 (OJ 1998 L 204, p. 37).

Action brought on 18 June 2015 — Uganda Commercial Impex v Council

(Case T-347/15)

(2015/C 270/50)

Language of the case: English

Parties

Applicant: Uganda Commercial Impex (UCI) Ltd (Kampala, Uganda) (represented by: A. Meskarian, S. Zaiwalla, P. Reddy, K. Mittal, Solicitors, and R. Blakeley, Barrister)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul Council Decision (CFSP) 2015/620⁽¹⁾ and Council Implementing Regulation (EU) No 2015/614⁽²⁾ insofar as they apply to UCI (including the entry of UCI in entry b) 9 of the Annex to the Decision and the Regulation);
- insofar as necessary to declare Article 9(1) of Council Regulation (EC) No 1183/2005 of 18 July 2005 (as amended) inapplicable to UCI; and
- order the Council to pay UCI's costs of this application.

Pleas in law and main arguments

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

1. First plea in law, alleging that the Council has failed to undertake any or any adequate independent assessment of UCI's designation, as it was required to do.
2. Second plea in law, alleging that in any event, the Council committed a manifest error of assessment and/or UCI's designation is unlawful because the criteria for designation are not met in UCI's case.
3. Third plea in law, alleging that UCI's procedural rights, in particular its rights of defence and rights to effective judicial protection have been violated, and the Council has failed to give adequate reasons.