

Form of order sought

The applicant claims that the Court should:

- annul the set-off decisions of the European Commission contained in its letters of 25 August, 27 August, 7 September, 16 September and 23 September 2015 by which it recovered the sum of EUR 624 388,73;
- order the defendant to pay EUR 624 388,73 plus late payment interest on that sum, to be determined on the basis of the European Central Bank reference rate plus two percentage points;
- order the defendant to pay compensation for non-material damage, set at the symbolic amount of EUR 1;
- order the defendant to pay all the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging infringement of the principle of legal certainty, in so far as the contested decisions have no valid legal basis.
2. Second plea in law, alleging infringement of the principle of unjust enrichment, in so far as the sum of EUR 607 096,08 plus interest was deducted from the applicant's assets and increased the wealth of the Commission without any legal basis for that enrichment.
3. Third plea in law, alleging infringement of Articles 42, 44, 45 and 47 of the Financial Regulation of 27 March 2003 applicable to the 9th European Development Fund, in so far as the Commission did not exercise the discretion conferred on it by those provisions, and infringement of the principle of proportionality.
4. Fourth plea in law, alleging infringement of the principle of good administration, in so far as the Commission disregarded Article 41 of the Charter of Fundamental Rights of the European Union.
5. Fifth plea in law, alleging that the Commission committed manifest errors of assessment.

Action brought on 6 November 2015 — Badica and Kardiam v Council

(Case T-619/15)

(2016/C 027/86)

Language of the case: French

Parties

Applicants: Bureau d'achat de diamant Centrafrique (Badica) (Bangui, Central African Republic), Kardiam (Antwerp, Belgium) (represented by: D. Luff and L. Defalque, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicants claim that the Court should:

- annul Article 1 of Council Implementing Regulation (EU) 2015/1485 of 2 September 2015 and point B 1 of the Annex to that regulation in so far as the applicants are added to Annex I to Council Regulation (EU) No 224/2014 of 10 March 2014 concerning restrictive measures in view of the situation in the Central African Republic;

— order the Council 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 the rights of the defence and of the right to a fair hearing and to effective judicial protection. This plea is expressed in two parts:
 - first part, alleging a failure on the part of the Council to notify the applicants individually of the decision to freeze funds;
 - second part, alleging a failure to disclose the evidence and the file, and infringement of the principle of *audi alteram partem* and of transparency.
2. Second plea in law, alleging an error of assessment of the facts relating to the applicants' activities resulting in an error of law.
3. Third plea in law, alleging defects in the examination carried out by the Council.

Action brought on 10 November 2015 — Tillotts Pharma v OHIM — Ferring (OCTASA)

(Case T-632/15)

(2016/C 027/87)

Language in which the application was lodged: English

Parties

Applicant: Tillotts Pharma AG (Rheinfelden, Switzerland) (represented by: M. Douglas, lawyer)

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

Other party to the proceedings before the Board of Appeal: Ferring BV (Hoofddorp, Netherlands)

Details of the proceedings before OHIM

Applicant: Applicant

Trade mark at issue: Community word mark 'OCTASA' — Application for registration No 8 169 881

Procedure before OHIM: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of OHIM of 7 September 2015 in Case R 2386/2014-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order OHIM to pay the costs.