

1. First plea in law, alleging that ECHA has misapplied the rules regarding the requirement that the company submit a complete dossier under Article 95(1) of Regulation (EU) N° 528/2012.
2. Second plea in law, alleging that ECHA has treated companies, which were in the same situation, differently.
3. Third plea in law, alleging that contrary to the requirements of Regulation (EU) N° 528/2012, ECHA has failed to ensure that there is a level playing field between those companies that have participated in the review programme of the given substance and those that have been free-riders.

⁽¹⁾ Regulation (EU) N° 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (OJ L 167, p. 1).

Action brought on 26 November 2015 — Freistaat Bayern v Commission

(Case T-683/15)

(2016/C 048/89)

Language of the case: German

Parties

Applicant: Freistaat Bayern (represented by: U. Soltész and H. Weiß, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul Article 1 of the contested decision in so far as it declares that the Federal Republic of Germany granted State aid unlawfully in breach of Article 108(3) TFEU in respect of the milk quality tests carried out by the Land of Bavaria in favour of dairy sector undertakings in Bavaria, which is during the period starting 1 January 2007 incompatible with the internal market;
- annul Articles 2 to 4 of the contested decision in so far as they order recovery of the aid with interest in respect of dairy sector undertakings in Bavaria;
- order the Commission to pay the applicant's costs.

Pleas in law and main arguments

By its present action, the applicant seeks the partial annulment of Commission Decision C(2015) 6295 final of 18 September 2015 concerning State aid SA.35484 (2013/C) (ex SA.35484 (2012/NN)) granted by Germany in respect of milk quality tests pursuant to the Milk and Fat Law.

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

1. First plea in law: Infringement of Article 108(2) TFEU and of Article 6(1) and Article 24(1) of Regulation (EU) 2015/1589 ⁽¹⁾

Within the context of the first plea in law, the applicant claims that the alleged aid from the Land budget was not covered by the opening decision.

2. Second plea in law: No State aid within the meaning of Article 107(1) TFEU

The applicant asserts that the dairies in connection with the funding of the milk quality tests would not receive State aid within the meaning of Article 107(1) TFEU because they were not given any selective advantage.

3. Third plea in law (in the alternative): No infringement of the notification requirement

The applicant submits that the measures must be regarded as 'existing aid'. The recovery therefore infringes Article 108 (1) and (3) TFEU and Article 14 of Regulation (EU) 2015/1589.

4. Fourth plea in law (in the alternative): An error of law was made in dismissing the compatibility of the aid with the internal market pursuant to Article 107(3) TFEU

5. Fifth plea in law (in the alternative): The order for recovery of the aid infringes the principle of the protection of legitimate expectations

⁽¹⁾ Council Regulation (EU) 2015/1589 of 13 July 2015 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union (OJ 2015 L 248, p. 9).

**Action brought on 29 November 2015 — Marcas Costa Brava v OHIM — Excellent Brands JMI
(Cremcafé by Julius Meinl)**

(Case T-686/15)

(2016/C 048/90)

Language in which the application was lodged: English

Parties

Applicant: Marcas Costa Brava, SL (Sils, Spain) (represented by: E. Manresa Medina and J. Manresa Medina, lawyers)

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

Other party to the proceedings before the Board of Appeal: Excellent Brands JMI Ltd (Baar, Switzerland)

Details of the proceedings before OHIM

Applicant of the trade mark at issue: Other party to the proceedings before the Board of Appeal

Trade mark at issue: Community figurative mark in red and white colours containing the word elements 'Cremcafé by Julius Meinl' — Community trade mark No 11 406 915

Procedure before OHIM: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of OHIM of 29 September 2015 in Case R 2517/2014-5