

Defendant: European Central Bank

Form of order sought

The applicant claims that the General Court should:

- annul, on the basis of Article 263 TFEU, the decision of the European Central Bank of 24 August 2016 (ECB/SSM/2016 — 9695000CG7B84NLR5984/92) concerning the application made by Crédit Mutuel for authorisation to exclude exposure to the public sector from the leverage ratio calculation, in accordance with Article 429(14) of Regulation (EU) No 575/2013, as regards Crédit Mutuel and all the entities of the group subject to the leverage ratio;
- order the European Central Bank to pay all the costs.

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 contested decision is *ultra vires*. According to the applicant, the European Central Bank (ECB) is competent only to verify compliance with the conditions governing whether an establishment may be granted a derogation from the leverage ratio calculation rules in order to ensure the practical application of those conditions, without bolstering them or assessing their relevance, and is competent only to apply those conditions as they have been definitively and precisely laid down by the Commission, on the basis of its exclusive powers, by means of a delegated regulation designed to take into account the specific nature of the banking and financial industry in the European Union.
2. Second plea in law, which is presented in the alternative to the preceding plea, alleging that the ECB committed an error of law in the contested decision. According to the applicant, exposure to public sector entities, when treated in the same way as exposure at central government level, should be regarded as representing zero risk where they are denominated in the domestic currency of that government.
3. Third plea in law, which is presented in the alternative to the two preceding pleas, alleging manifest error of assessment. According to the applicant, the contested decision is manifestly inappropriate in relation to the objectives pursued by prudential requirements, having regard to the characteristics of regulated savings, and is manifestly disproportionate due to the negative consequences that will result for the establishment in question.
4. Fourth plea in law, alleging infringement of the obligation to state reasons and infringement of the principle of sound administration in so far as the ECB failed to examine or take into account all the relevant factors in the present case.

Action brought on 2 November 2016 — Euro Castor Green v EUIPO — Netlon France (Concealed trellis)

(Case T-756/16)

(2017/C 006/54)

Language in which the application was lodged: French

Parties

Applicant: Euro Castor Green (Bagnolet, France) (represented by: B. Lafont, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Netlon France (Saint Saulve, France)

Details of the proceedings before EUIPO

Proprietor of the design at issue: Applicant

Design at issue: European Union design No 001 197 966-0001

Contested decision: Decision of the Third Board of Appeal of EUIPO of 11/08/2016 in Case R 754/2014-3

Form of order sought

The applicant claims that the Court should:

- declare that the application, and its annexes, are admissible;
- annul the contested decision;
- order EUIPO to pay the costs.

Pleas in law

- Infringement of Article 7(1) of Regulation No 6/2002;
- Infringement of Article 5 of Regulation No 6/2002;
- Infringement of Article 3(1)(b) of Regulation No 6/2002;
- Infringement of Article 6 of Regulation No 6/2002;
- Infringement of Article 8(1) of Regulation No 6/2002.

Action brought on 28 October 2016 — Société générale v ECB**(Case T-757/16)**

(2017/C 006/55)

*Language of the case: French***Parties**

Applicant: Société générale (Paris, France) (represented by: A. Gosset-Grainville, C. Renner and P. Kupka, lawyers)

Defendant: European Central Bank

Form of order sought

The applicant claims that the General Court should:

- annul the European Central Bank's Decision No ECB/SSM/2016-02RNE8IBXP4ROTD8PU41/72 of 24 August 2016;
- order the European Central Bank to pay all the costs in any event.

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 that lack of competence vitiates the decision of the European Central Bank (ECB) of 24 August 2016 rejecting the request of the applicant for exposure on the French Caisse des Dépôts et Consignations, resulting from centralised funds in the context of regulated savings, to be excluded from the leverage ratio calculation ('the contested decision'), in so far as, having confirmed that all of the conditions laid down in the applicable EU legislation had been met, the ECB was not competent to refuse to grant the exclusion requested.
2. Second plea in law, alleging several errors of law on the part of the ECB. The applicant claims that, even if the ECB had been competent to adopt the contested decision, that decision would not be valid as it is vitiated by several errors of law in relation to Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ 2013 L 176, p. 1; 'Regulation No 575/2013') and the intentions of the EU legislature by reason of the fact that the ECB misinterpreted the legislation in question and thus adopted a decision which:
 - is contrary to the objectives and purpose of the rules on leverage ratio since it disregards not only the objective of leverage-ratio legislation itself but also the legislature's intention as expressed in Article 429(14) of Regulation No 575/2013;