

Action brought on 27 September 2018 — Şanlı v Council**(Case T-585/18)**

(2018/C 436/82)

*Language of the case: Dutch***Parties***Applicant:* Dalokay Şanlı (Rotterdam, Netherlands) (represented by: D. Gürses, lawyer)*Defendant:* Council of the European Union**Form of order sought**

The applicant claims that the General Court should:

- annul the decision of the Council of 31 July 2018;
- remove the applicant from the list referred to in Regulation (EC) No 2580/2001, and
- order the Council to pay the costs of the proceedings.

Pleas in law and main arguments

1. First plea in law, alleging breach of essential formal requirements and infringement of the Treaties.
2. Second plea in law, alleging that there has been no evidence submitted in the proceedings proving that the applicant has carried out terrorist act.
3. Third plea in law, alleging that the applicant was unable to defend himself adequately in the procedure that led to the contested decision.
4. Fourth plea in law, alleging that the decision is inadequately reasoned.
5. Fifth plea in law, alleging that the decision was adopted in infringement of the principles of subsidiarity and of proportionality.
6. Sixth plea in law, alleging that Regulation No 2580/2001 is not applicable given that the PKK is not a terrorist organisation.
7. Seventh plea in law, alleging that the adopted decision is contrary to the principle of proportionality.

Action brought on 28 September 2018 — Berliner Stadtwerke v EUIPO (berlinGas)**(Case T-595/18)**

(2018/C 436/83)

*Language in which the application was lodged: German***Parties***Applicant:* Berliner Stadtwerke GmbH (Berlin, Germany) (represented by: O. Spieker, A. Schönfleisch and N. Willich, lawyers)*Defendant:* European Union Intellectual Property Office (EUIPO)**Details of the proceedings before EUIPO***Trade mark at issue:* EU figurative mark berlinGas — Application for registration No 15 252 661*Contested decision:* Decision of the First Board of Appeal of EUIPO of 20 July 2018 in Case R 2180/2016-1

Form of order sought

The applicant claims that the Court should:

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

Pleas in law

- Infringement of Article 7(1)(b) and (c) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 7(2) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 5 October 2018 — Ayuntamiento de Enguera v Commission**(Case T-602/18)**

(2018/C 436/84)

*Language of the case: Spanish***Parties**

Applicant: Ayuntamiento de Enguera (Enguera, Spain) (represented by: J. Palau Navarro, J. Ortiz Ballester and V. Soriano i Piqueras, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the General Court should:

- Annul the decision of 26 July 2018 of the Head of Unit, 'ENV.D.4 — Life Programme', of Directorate 'ENV.D Natural Capital' of the Directorate-General Environment of the European Commission, under the subject matter 'LIFE 10 ENV/ES/000458 — ECOGLAUGA ÉRGON — Confirmation of recovery order'.

Pleas in law and main arguments

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

1. First plea in law, alleging infringement of Article 296 TFEU, on account of the failure to state reasons in the contested decision.
2. Second plea in law, alleging the inaccuracy of the reasons stated, if it is found that there is implicit reasoning.
3. Third plea in law, alleging infringement of the right to good administration, provided for in Article 41 of the Charter of Fundamental Rights of the European Union, in so far as:
 - The right of every person to be heard, before any individual measure which would affect him or her adversely is taken, has been disregarded. In the present case, neither were the applicant's written submissions taken into account in any way, nor was it invited to submit arguments prior to the adoption of the final decision;
 - The applicant's requests to access the file in its entirety have been ignored;
 - Although the applicant has at all times corresponded with the defendant in Spanish, the Commission has issued all of its communications and decisions in English.