

The applicant finds that the Council failed to perform a hearing of the applicant, and that no contrary indications would justify this. Furthermore, the Council failed to notify the Contested Acts to the applicant, and in any case these acts contained an insufficient statement of reasons. Requests for access to information and documents have not been replied to by the Council. By these omissions, the Council violated the right of defence of the applicant, who was denied the possibility of effectively arguing against the findings of the Council, as these findings were withheld from the applicant. Further, the measures taken by the Council do not constitute foreign policy measures, but instead constitute international cooperation in criminal proceedings, which accordingly have been adopted on an incorrect legal basis. Finally, the measures taken by the Council were adopted without proper consideration of relevant facts as well as the case law from the European Court of Human Rights pertaining to criminal procedures in Ukraine, especially in relation to the prosecution of former government officers.

---

**Action brought on 1 July 2014 — Vidmar and Others v European Union**

**(Case T-507/14)**

(2014/C 303/54)

*Language of the case: Croatian*

**Parties**

**Applicants:** Vedran Vidmar (Zagreb, Croatia); Saša Čaldarević (Zagreb); Irena Glogovšek (Zagreb); Gordana Grancarić (Zagreb); Martina Grgec (Zagreb); Ines Grubišić (Vranjic, Croatia); Sunčica Horvat Peris (Karlovac, Croatia); Zlatko Ilak (Samobor, Croatia); Mirjana Jelavić (Virovitica, Croatia); Romuald Kantoci (Pregrada, Croatia); Svjetlana Klobučar (Zagreb); Ivan Kobaš (Županja, Croatia); Zlatko Kovačić (Sesvete, Croatia); Tihana Kušeta Šerić (Split, Croatia); Damir Lemaić (Zagreb); Željko Ljubičić (Solin, Croatia); Gordana Mahovac (Nova Gradiška, Croatia); Martina Majcen (Krapina, Croatia); Višnja Merdžo (Rijeka, Croatia); Tomislav Perić (Zagreb); Darko Radić (Zagreb); Damjan Saridžić (Zagreb); Darko Graf (Zagreb) (represented by: D. Graf, lawyer)

**Defendant:** European Union

**Form of order sought**

The applicants claim that the General Court should:

- By means of an interim measure, order the European Union to compensate, on the basis of Article 340(2) of the Treaty on the Functioning of the European Union, all of the material damage suffered by all the applicants during the period from 1 January 2012 to the time at which the applicants began to exercise the functions of Croatian bailiffs in accordance with Article 36(1) and Annex VII(1) of the Act of Accession, legally binding on all 28 signatory States of the Treaty of Accession of the Republic of Croatia to the European Union, including the Commission since 9 December 2011, as a result of the European Commission's failure to fulfil its monitoring obligation under Article 36(1) and (2) of the Act of Accession, intended to ensure that the Republic of Croatia would establish the profession of bailiff from 1 January 2012, a commitment undertaken during the negotiations on the accession of the Republic of Croatia to the European Union in the context of Chapter 23, 'Justice and Fundamental Rights', referred to in section 1 of Annex VII of the Act of Accession, 'Specific commitments undertaken by the Republic of Croatia in the accession negotiations', which states: '1. To continue to ensure effective implementation of its Judicial Reform Strategy and Action Plan'.
- Until the interim measure sought in the first indent has become definitive, suspend the discussions on the total amount of material damage in respect of which compensation is sought from the European Union by the applicants in the present action.

- After the interim measure sought in the first indent has become definitive, and after the oral hearing and the presentation of evidence relating to the determination of the total material damage in respect of which compensation is sought by the applicants in the present action, order the European Union to compensate each of the applicants for the material damage suffered as a result of the Commission's unlawful omission, referred to in the first subparagraph of the present action, namely, all of the actual loss (*damnum emergens*) and all of the loss of profit (*lucrum cessans*) suffered by the applicants during the period from 1 January 2012 to the date on which the Court makes the corresponding requests to the Minister for Finance and the Minister for Justice of the Republic of Croatia, amounting to EUR 600 000 for each calendar year and for each defendant, together with late payment interest of 12 % per annum, to be calculated:
  - as regards the compensation for all of the actual loss, from 1 January 2012 until the date of actual payment;
  - as regards the compensation for all of the loss of profit suffered by the applicants during 2012, from 1 January 2013 until the date of actual payment;
  - as regards the compensation for all of the loss of profit suffered by the applicants during 2013, from 1 January 2014 until the date of actual payment;
  - as regards the compensation for all of the loss of profit suffered by the applicants during 2014, from 1 January 2015 until the date of actual payment;
- After the interim measure sought in the first indent has become definitive, and after the oral hearing and the presentation of the appropriate evidence relating to the amount of that claim, order the European Commission to pay every one of the applicants the costs incurred in the present proceedings.

#### **Pleas in law and main arguments**

In support of the action, the applicants rely on pleas essentially the same as those relied on in Case T-109/14 *Škugor and Others v European Union*.<sup>(1)</sup>

<sup>(1)</sup> OJ C 142, p. 38.

---

#### **Action brought on 3 July 2014 — Staywell Hospitality Group v. OHIM — Sheraton International IP (PARK REGIS)**

**(Case T-510/14)**

(2014/C 303/55)

*Language in which the application was lodged: English*

#### **Parties**

*Applicant:* Staywell Hospitality Group Pty Ltd (Sydney, Australia) (represented by: D. Farnsworth, Solicitor)

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

*Other party to the proceedings before the Board of Appeal:* Sheraton International IP LLC (Stamford, United States of America)

#### **Form of order sought**

The applicant claims that the Court should:

- annul the decision of the Fifth Board of Appeal of 30 April 2014 in Cases R 240/2013-5 and R 303/2013-5 insofar as it concerns Case R 240/2013-5; and
- condemn the Defendant to bear its own and pay the Applicant's costs.

#### **Pleas in law and main arguments**

*Applicant for a Community trade mark:* The applicant