

Re:

Application to suspend the legal effects of the decision by which the Commission opened the State aid formal investigation procedure concerning the German law on renewable energy.

Operative part of the order

1. *The application for interim measures is dismissed.*
2. *The costs are reserved.*

Order of the President of the General Court of 4 September 2014 — Michelin Reifenwerke v Commission

(Case T-301/14 R)

(Application for interim measures — State aid — National support for the generation of renewable electricity — Commission decision to open the State aid formal investigation procedure — Application for suspension of operation of a measure — Prima facie case)

(2014/C 431/49)

Language of the case: German

Parties

Applicant: Michelin Reifenwerke AG & Co. KGaA (Karlsruhe, Germany) (represented by: T. Volz and B. Wißmann, lawyers)

Defendant: European Commission (represented by: T. Maxian Rusche and R. Sauer, Agents)

Re:

Application to suspend the legal effects of the decision by which the Commission opened the State aid formal investigation procedure concerning the German law on renewable energy.

Operative part of the order

1. *The application for interim measures is dismissed.*
2. *The costs are reserved.*

Action brought on 4 July 2014 — Sweden v Commission

(Case T-521/14)

(2014/C 431/50)

Language of the case: Swedish

Parties

Applicant: Kingdom of Sweden (represented by: A. Falk and K. Sparrman, acting as Agents)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- Declare that the European Commission, by failing to adopt delegated acts to specify scientific criteria for the determination of endocrine-disrupting properties, has infringed Article 5(3) of Regulation (EU) No 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;

— Order the Commission to pay the costs of the action.

Pleas in law and main arguments

Under Article 5(3) of the Biocides Regulation ⁽¹⁾, the Commission is to adopt delegated acts to specify scientific criteria for the determination of endocrine-disrupting properties by 13 December 2013 at the latest. The applicant submits that, by failing to adopt such delegated acts, the Commission has failed to take measures which it is obliged by law to take. The applicant has requested the Commission to adopt delegated acts in accordance with Article 5(3) of the Biocides Regulation, but in the Commission's reply, in the view of the applicant, no position was defined as regards that request within the meaning of the second paragraph of Article 265 TFEU. The applicant claims that, in addition, as at the time of the application, the Commission has not adopted any measures to end the alleged failure to act. In the view of the applicant, the Commission has a basis for specifying scientific criteria for the determination of endocrine-disrupting properties and an application of those criteria which, under the second and third subparagraphs of Article 5(3) of the Biocides Regulation, are to apply until the Commission has adopted delegated acts containing criteria for endocrine-disrupting substances.

⁽¹⁾ Regulation (EU) No 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 2012 L 167, p. 1).

Action brought on 29 August 2014 — JP Divver Holding Company v OHIM (EQUIPMENT FOR LIFE)

(Case T-642/14)

(2014/C 431/51)

Language of the case: English

Parties

Applicant: JP Divver Holding Company Ltd (Newry, Ireland) (represented by: A. Franke, E. Bertram, lawyers)

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

Details of the proceedings before OHIM

Trade mark at issue: International registration designating the European Union in respect of the mark 'EQUIPMENT FOR LIFE'

Contested decision: Decision of the Second Board of Appeal of OHIM of 16 June 2014 in Case R 64/2014-2

Form of order sought

The applicant claims that the Court should:

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

Plea in law

- Infringement of Article 7(1)(b) of Regulation No 207/2009.

Action brought on 12 September 2014 — SV Capital v EBA

(Case T-660/14)

(2014/C 431/52)

Language of the case: English

Parties

Applicant: SV Capital OÜ (Tallinn, Estonia) (represented by: M. Greinoman, lawyer)

Defendant: European Banking Authority (EBA)