— 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)

Form of order sought

The applicant claims that the Court should:

— annul the decision of the EBA dated 21 February 2014 No EBA C 2013 002 in its entirety;

— set aside the decision of the Board of Appeal of the European Supervisory Authorities No BoA 2014-CI-02 in the part dismissing the appeal;

— remit the case to the competent body of the EBA to review the complaint by SV Capital OÜ dated 24 October 2012 (as supplemented) as to its substance;

— order the defendant to bear the costs of the proceedings before the General Court including costs incurred in enforcing a judgment or order of the General Court.

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 errors of fact as the contested decision No EBA C 2013 002 stated that 'neither Ms [RR] nor Mr [OP] were heads of the branch of Nordea Bank Finland or key function holders in the meaning of the EBA Suitability Guidelines' even though the Board of Appeal accepted the applicant's evidence to the contrary.

2. Second plea in law, alleging that the defendant failed to exercise discretion since it did not take into account the fact i) that Nordea is on the Financial Stability Board list of 29 global systematically important financial institution, ii) that it is a financial conglomerate, iii) that its Estonian branch is a substantial branch and iv) that the alleged violations are of gross nature.

3. Third plea in law, alleging infringement of Article 39(1) of the EBA Regulation ([1]) and Article 16 of the EBA Code of Good Administrative Behaviour ([2]) as the applicant was not given an opportunity to express its views on the defendant's reasoning and statements of facts before the contested decision EBA C 2013 002 was taken since the defendant did not advise the applicant of its intention not to start the requested investigation of Nordea Bank Finland and did not provide reasons therefore.

4. Fourth plea in law, alleging infringement of Articles 3(3), (4) and (5) of the EBA Internal Rules ([3]) as the EBA's Alternate Chairperson was not informed on the basis of anonymised information about the intended decision not to initiate an investigation.

5. Fifth plea in law, alleging misuse of power and unreasonable conduct of the EBA as the defendant was biased and, taking into account the amount of time and effort spent by the defendant on the complaint and its admissibility, there was no reason to abandon the case without making a reasoned decision as to its merits.

([1]) Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing an European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ 2010 L 331, p. 12).
([2]) Decision DC 006 of the Management Board of 12 January 2011 on EBA Code of Good Administrative Behaviour.
([3]) Decision DC 054 of the Board of Supervisors of 5 July 2012 concerning the Internal Processing Rules on Investigation regarding Breach of Union Law.

Action brought on 19 September 2014 — Milchindustrie-Verband and Deutscher Raiffeisenverband v Commission

(Case T-670/14)

(2014/C 431/53)

Language of the case: German

Parties

Applicants: Milchindustrie-Verband e.V. (Berlin, Germany), Deutscher Raiffeisenverband e.V. (Berlin) (represented by: I. Zenke and T. Heymann, lawyers)