

Operative part of the judgment

The Court:

1. Dismisses the appeals;
2. Orders Ice Mountain Ibiza, SL to pay the costs.

⁽¹⁾ OJ C 46, 13.2.2017.

Judgment of the Court (First Chamber) of 28 February 2018 — mobile.de GmbH, formerly mobile.international GmbH v European Union Intellectual Property Office (EUIPO), Rezon OOD

(Case C-418/16 P) ⁽¹⁾

(Appeal — EU trade mark — Regulation (EC) No 207/2009 — Article 15(1) — Article 57(2) and (3) — Article 64 — Article 76(2) — Regulation (EC) No 2868/95 — Rule 22(2) — Rule 40(6) — Invalidity proceedings — Applications for a declaration of invalidity based on an earlier national trade mark — Genuine use of the earlier mark — Burden of proof — Rejection of the applications — Taking into account by the Board of Appeal of the European Union Intellectual Property Office (EUIPO) of new evidence — Annulment of the decisions of the Cancellation Division of EUIPO — Referral — Consequences)

(2018/C 142/09)

Language of the case: German

Parties

Appellant: mobile.de GmbH, formerly mobile.international GmbH (represented by: T. Lührig, Rechtsanwalt)

Other parties to the proceedings: European Union Intellectual Property Office (EUIPO) (represented by: M. Fischer, acting as Agent), Rezon OOD (represented by: P. Kanchev, advokat)

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders mobile.de GmbH to pay the costs incurred by the European Intellectual Property Office (EUIPO) and by Rezon OOD.

⁽¹⁾ OJ C 419, 14.11.2016.

Judgment of the Court (First Chamber) of 28 February 2018 (request for a preliminary ruling from the Sofiyski gradski sad — Bulgaria) — ‘ZPT’ AD v Narodno sabranie na Republika Bulgaria, Varhoven administrativen sad, Natsionalna agentsia za prihodite

(Case C-518/16) ⁽¹⁾

(Reference for a preliminary ruling — State aid — Regulation (EC) No 1998/2006 — Article 35 TFEU — De minimis aid in the form of tax relief — National legislation excluding investments in the production of goods intended for export from the benefit of that tax relief)

(2018/C 142/10)

Language of the case: Bulgarian

Referring court

Sofiyski gradski sad

Parties to the main proceedings

Applicant: 'ZPT' AD

Defendants: Narodno sabranie na Republika Bulgaria, Varhoven administrativen sad, Natsionalna agentsia za prihodite

Operative part of the judgment

- 1) Consideration of the third part of the third question has not disclosed any factor of such a kind as to affect the validity of Article 1(1)(d) of Commission Regulation (EC) No 1998/2006 of 15 December 2006 on the application of Articles [107 TFEU and 108 TFEU] to *de minimis* aid.
- 2) Article 1(1)(d) of Regulation No 1998/2006 must be interpreted as not precluding provisions of national law, such as those at issue in the main proceedings, which exclude investments in assets used for export-related activities from the benefit of tax relief constituting *de minimis* aid.

⁽¹⁾ OJ C 462, 12.12.2016.

Judgment of the Court (Eighth Chamber) of 28 February 2018 (requests for a preliminary ruling from the Tribunale amministrativo regionale per il Lazio — Italy) — MA.T.I. SUD SpA v Centostazioni SpA (C-523/16), Duemme SGR SpA v Associazione Cassa Nazionale di Previdenza e Assistenza in favore dei Ragionieri e Periti Commerciali (CNPR) (C-536/16)

(Joined Cases C-523/16 and C-536/16) ⁽¹⁾

(Reference for a preliminary ruling — Public procurement — Directive 2004/18/EC — Article 51 — Rectification of procedural shortfalls in tenders — Directive 2004/17/EC — Clarification of tenders — National legislation making the rectification by tenderers of the documentation submitted subject to the payment of a financial penalty — Principles relating to the award of public works contracts — Principle of equal treatment — Principle of proportionality)

(2018/C 142/11)

Language of the case: Italian

Referring court

Tribunale amministrativo regionale per il Lazio

Parties to the main proceedings

Applicants: MA.T.I. SUD SpA (C-523/16), Duemme SGR SpA (C-536/16)

Intervener: China Taiping Insurance Co. Ltd (C-523/16)

Defendants: Centostazioni SpA (C-523/16), Associazione Cassa Nazionale di Previdenza e Assistenza in favore dei Ragionieri e Periti Commerciali (CNPR) (C-536/16)

Operative part of the judgment

European Union Law, in particular Article 51 of Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts, the principles relating to the award of public contracts, including the principles of equal treatment and transparency referred to in Article 10 of Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors and Article 2 of Directive 2004/18, and the principle of proportionality must be interpreted as not precluding, in principle, national legislation establishing a mechanism of assistance in compiling the documentation, under which the contracting authority may in a procedure for the award of a public contract, invite any tenderer whose tender is vitiated by serious irregularities within the meaning of that regulation to rectify its tender, subject to the payment of a financial penalty, provided that the amount of that penalty is consistent with the principle of proportionality, which it is for the referring court to determine.