

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 15 February 2016 (Case R 1819/2015-4) concerning an application for registration of work sign APlan as an EU trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Grid applications GmbH to pay the costs.

⁽¹⁾ OJ C 200, 6.6.2016.

Action brought on 18 November 2016 — Vorarlberger Landes- und Hypothekenbank v SRB

(Case T-809/16)

(2017/C 030/56)

Language of the case: German

Parties

Applicant: Vorarlberger Landes- und Hypothekenbank AG (Bregenz, Austria) (represented by: G. Eisenberger, lawyer)

Defendant: Single Resolution Board (SRB)

Form of order sought

The applicant claims that the Court should:

- annul the decision of the Single Resolution Board SRB/ES/SRF/2016/06 of 15 April 2016 ('Decision of the Executive Session of the Board of 15 April 2016 on the 2016 ex-ante contributions to the Single Resolution Fund (SRB/ES/SRF/2016/06)'), as well as the decision of the Single Resolution Board SRB/ES/SRF/2016/13 of 20 May 2016 ('Decision of the Executive Session of the Board of 20 May 2016 on the adjustment of the 2016 ex-ante contributions to the Single Resolution Fund supplementing the Decision of the Executive Session of the Board of 15 April 2016 on the 2016 ex-ante contributions to the Single Resolution Fund (SRB/ES/SRF/2016/13)'), at least in so far as those decisions concern the applicant;
- order the defendant to pay the costs of the proceedings.

Pleas in law and main arguments

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

- First plea in law: flagrant breach of essential procedural requirements by reason of a lack of (full) disclosure of the contested decisions.
- Second plea in law: flagrant breach of essential procedural requirements by reason of an inadequate statement of reasons for the contested decisions.

Action brought on 18 November 2016 — Di Bernardo v Commission

(Case T-811/16)

(2017/C 030/57)

Language of the case: French

Parties

Applicant: Danilo Di Bernardo (Brussels, Belgium) (represented by: S. Orlandi and T. Martin, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the General Court should:

- annul the decision of 10 August 2016 by which the selection board in Open Competition EPSO/AST-SC/03/15 excluded the applicant from that competition;
- order the Commission to pay all of the costs in any event.

Pleas in law and main arguments

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

1. First plea in law, alleging a number of manifest errors of assessment on the part of the selection board when evaluating the applicant's professional experience.
2. Second plea in law, raised in the alternative, alleging insufficient reasoning of the contested decision on the basis of the failure to inform the applicant of the selection criteria established by the selection board.

Action brought on 21 November 2016 — Abes v Commission

(Case T-813/16)

(2017/C 030/58)

Language of the case: Portuguese

Parties

Applicant: Abes — companhia de assistência, bem-estar e serviços para seniores, Lda (São Pedro de Tomar, Portugal) (represented by: N. Mimoso Ruiz, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- Consider its action for annulment to have been brought in due form and to be admissible, in accordance with Article 263 TFEU and for the purposes of Article 264 TFEU.
- Annul Decision C(2016) 5054 of 9 August 2016, in accordance with Article 263 TFEU, in so far as it considers that the measure described in the complaint does not constitute State aid within the meaning of Article 107(1) TFEU.
- Annul Decision C(2016) 5054 of 9 August 2016, in accordance with Article 263 TFEU, in so far as it considers that, even if the measure described in the complaint does constitute State aid, it is compatible with the internal market within the meaning of Article 107(3)(c) TFEU.
- Order the European Commission to pay the costs of the proceedings and the costs incurred by the applicant.

Pleas in law and main arguments

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

1. First plea in law, alleging failure to state reasons. The applicant considers that the decision is vitiated by a failure to state reasons because in that decision it states that even if the measure constituted aid within the meaning of Article 107(1) TFEU, it would be compatible with the internal market in accordance with Article 107(3)(c) TFEU, although no reasons are given for that conclusion.