

*Defendant:* European Commission (initially represented by: K. Skelly and A. Stobiecka-Kuik, and subsequently by: A. Stobiecka-Kuik and D. Milanowska, acting as Agents)

**Re:**

Action under Article 263 TFEU for partial annulment of Commission Implementing Decision (EU) 2016/2018 of 15 November 2016 excluding from European Union financing certain expenditure incurred by the Member States under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD) (JO 2016, L 312, p. 26) concerning the flat rate corrections applied in respect of the Republic of Poland.

**Operative part of the judgment**

The Court:

1. *Dismisses the action.*
2. *Orders the Republic of Poland to pay, in addition to its own costs, three quarters of the costs incurred by the European Commission.*
3. *Orders the Commission to pay one quarter of its own costs.*

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(<sup>1</sup>) OJ C 86, 20.3.2017.

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**Judgment of the General Court of 4 April 2019 — ClientEarth v Commission**

(Case T-108/17) (<sup>1</sup>)

**(REACH — Regulation (EC) No 1907/2006 — Bis(2-ethylhexyl) phthalate (DEHP) — Request for internal review of a decision on marketing authorisation rejected as unfounded — Error of law — Manifest error of assessment — Article 10 of Regulation (EC) No 1367/2006)**

(2019/C 187/70)

*Language of the case: English*

**Parties**

*Applicant:* ClientEarth (London, United Kingdom) (represented by: A. Jones, Barrister)

*Defendant:* European Commission (represented by: G. Gattinara, R. Lindenthal and K. Mifsud-Bonnici, acting as Agents)

*Intervener in support of the defendant:* European Chemicals Agency (represented by: M. Heikkilä and W. Broere, acting as Agents)

**Re:**

Application pursuant to Article 263 TFEU seeking the annulment of the letter of the Commission of 7 December 2016 by which that institution rejected a request for internal review of 2 August 2016 against Commission Implementing Decision C(2016) 3549 final of 16 June 2016, granting an authorisation for uses of bis(2-ethylhexyl) phthalate (DEHP) under Regulation (EC) No 1907/2006 of the European Parliament and of the Council.

**Operative part of the judgment**

The Court:

1. *Dismisses the action;*
2. *Orders ClientEarth to bear its own costs and to pay the costs incurred by the European Commission;*
3. *Orders the European Chemicals Agency (ECHA) to bear its own costs.*

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(<sup>1</sup>) OJ C 121, 18.4.2017.

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**Judgment of the General Court of 11 April 2019 — Adapta Color v EUIPO — Coatings Foreign IP (ADAPTA POWDER COATINGS)**

(Case T-223/17) (<sup>1</sup>)

*(EU trade mark — Invalidity proceedings — European Union figurative mark ADAPTA POWDER COATINGS — Declaration of invalidity by the Board of Appeal — Absolute grounds for refusal — Descriptive character — Article 7(1)(c) of Regulation (EC) No 207/2009 (now Article 7(1)(c) of Regulation (EU) 2007/1001) — No distinctive character acquired by use — Article 7(3) of Regulation No 207/2009 (now Article 7(3) of Regulation 2017/1001) — Infringement of the right to be heard — Obligation to state reasons — Article 75 of Regulation No 207/2009 (now Article 94 of Regulation 2017/1001) — Evidence submitted for the first time before the Court)*

(2019/C 187/71)

Language of the case: English

**Parties**

*Applicant:* Adapta Color, SL (Peñíscola, Spain) (represented by: G. Macías Bonilla, G. Marín Raigal and E. Armero Lavie, lawyers)

*Defendant:* European Union Intellectual Property Office (represented by: E. Markakis, A. Söder and D. Walicka, acting as Agents)

*Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court:* Coatings Foreign IP Co. LLC (Wilmington, Delaware, United States) (represented by: A. Rajendra, Solicitor, and by S. Malynicz QC)

**Re:**

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 6 February 2017 (Case R 2522/2015-5), relating to invalidity proceedings between Coatings Foreign IP and Adapta Color.

**Operative part of the judgment**

The Court:

1. *Dismisses the action;*
2. *Orders Adapta Color, SL to pay the costs.*

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(<sup>1</sup>) OJ C 202, 26.6.2017.