

**Action brought on 16 May 2017 — Transdev and Others v Commission**

(Case T-291/17)

(2017/C 231/50)

*Language of the case: French***Parties**

*Applicants:* Transdev (Issy-les-Moulineaux, France), Transdev Ile de France (Issy-les-Moulineaux), Transports rapides automobiles (TRA) (Villepinte, France) (represented by: F. Salat-Baroux, lawyer)

*Defendant:* European Commission

**Form of order sought**

The applicants claim that the Court should:

- principally, partially annul the decision of the European Commission of 2 February 2017 relating to the aid scheme SA.26763 2014/C (ex 2012/NN) implemented by France in favour of bus undertakings in the Île-de-France region, in so far as it states, in Article 1, that the regional aid scheme was ‘unlawfully’ implemented, although it concerned an existing aid scheme;
- in the alternative, partially annul the decision of the European Commission of 2 February 2017 relating to the aid scheme SA.26763 2014/C (ex 2012/NN) implemented by France in favour of bus undertakings in the Île-de-France region, in so far as it states, in Article 1, that the regional aid scheme was unlawfully implemented, with respect to the period prior to 25 November 1998;
- order the European Commission to pay all the costs.

**Pleas in law and main arguments**

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

1. First plea in law, raised as the principal claim, alleging that the regional aid scheme at issue was not unlawfully implemented, since it was not subject to the prior notification obligation. The regional aid scheme is an existing aid scheme, within the meaning of Article 108(1) TFEU and the provisions of Article 1(b) and Chapter VI of Council Regulation (EU) 2015/1589 of 13 July 2015 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union (OJ 2015 L 248, p. 9) (‘Regulation No 2015/1589’). According to the rules applicable to existing aid schemes, their implementation is not unlawful, since the Commission may only prescribe, where appropriate, appropriate measures to promote them or remove them with respect to the future.
2. Second plea in law, raised in the alternative, alleging that the regional aid scheme did not constitute an existing aid scheme. According to the applicants, the Commission caused the contested decision to be unlawful by holding that the 10-year limitation period had been interrupted by an action brought in 2004 by the Syndicat autonome des transporteurs de voyageurs (Independent trade union for road passenger operators) (‘the SATV’) before the national court. Article 17 of Regulation No 2015/1589 provides that the 10-year limitation period is interrupted only by a measure taken by the Commission or by a Member State, acting at the request of the Commission. The applicants claim that the initiation of an action before the national court by the SATV does not constitute a measure interrupting the limitation period for the purposes of that provision.

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**Action brought on 16 May 2017 — Région Île-de-France v Commission**

(Case T-292/17)

(2017/C 231/51)

*Language of the case: French***Parties**

*Applicant:* Région Île-de-France (Paris, France) (represented by: J.-P. Hordies, lawyer)

*Defendant:* European Commission

### **Form of order sought**

The applicant claims that the Court should:

- annul the decision of the European Commission of 2 February 2017 (SA.26763 — (2014/C) –), concerning the aid scheme implemented by France in favour of bus undertakings in the Île-de-France region, in so far as it classified that scheme as State aid;
- order the Commission to pay all the costs of the proceedings.

### **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 that the Commission refused to classify the support scheme for the region as existing aid.
2. Second plea in law, alleging a failure to state reasons for the contested decision. This plea is divided into two parts:
  - First part, alleging a failure to state reasons relating to the criterion of selectivity.
  - Second part, alleging a failure to state reasons relating to the criterion of undue economic advantage.

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## **Action brought on 12 May 2017 — Lion's Head Global Partners v EUIPO — Lion Capital (Lion's Head)**

**(Case T-294/17)**

(2017/C 231/52)

*Language in which the application was lodged: German*

### **Parties**

*Applicant:* Lion's Head Global Partners LLP (London, United Kingdom) (represented by: R. Nöske, lawyer)

*Defendant:* European Union Intellectual Property Office (EUIPO)

*Other party to the proceedings before the Board of Appeal:* Lion Capital LLP (London, United Kingdom)

### **Details of the proceedings before EUIPO**

*Proprietor of the trade mark at issue:* Applicant

*Trade mark at issue:* International registration No 997 073 designating the European Union in respect of the word mark 'Lion's Head'

*Proceedings before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the Fourth Board of Appeal of EUIPO of 28 February 2017 in Case R 1478/2016-4

### **Form of order sought**

The applicant claims that the Court should:

- annul the contested decision and reject the opposition;
- order EUIPO to pay the costs.