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Information and Notices

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(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Order of the Court (Sixth Chamber) of 4 December 2014 (request for a preliminary ruling from the Curtea de Apel Timişoara — Romania) — Agenția de Plăți şi Intervenție pentru Agricultură (APIA) — Centrul Județean Timiş v Curtea de Conturi a României, Camera de Conturi a Județului Timiş

(Case C-304/13) ([1])

(Agriculture — Common agricultural policy — Regulation (EC) No 1782/2003 — Direct support schemes — Conditions for the granting of the complementary national direct payments — Condition not provided for by EU legislation — Condition relating to the absence of debt falling due to the State budget and/or local budget on the date of submission of the application for aid — Not permissible)

(2015/C 056/02)

Language of the case: Romanian

Referring court

Curtea de Apel Timişoara

Parties to the main proceedings

Appellant: Agenția de Plăți şi Intervenție pentru Agricultură (APIA) — Centrul Județean Timiş

Respondents: Curtea de Conturi a României, Camera de Conturi a Județului Timiş

Intervener: Agenția de Plăți şi Intervenție pentru Agricultură (APIA) — Bucureşti

Operative part of the judgment

Article 143c of Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) No 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001, as amended by the Act concerning the conditions of accession of the Republic of Bulgaria and Romania and the adjustments to the Treaties on which the European Union is founded, and Article 132 of Council Regulation (EC) No 73/2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003, must be interpreted as precluding national legislation which excludes from the benefit of complementary national aid producers who, on the date of submission of the application for aid, have debts falling due to the State budget and/or local budget, where no condition relating to the absence of such debt has been subject to prior authorisation by the European Commission.

([1]) OJ C 52, 22.2.2014.

Order of the Court (Tenth Chamber) of 4 December 2014 (request for a preliminary ruling from the Tribunal Supremo — Spain) — Estación de Servicio Pozuelo 4 SL v GALP Energía España SAU

(Case C-384/13) ([1])

(Reference for a preliminary ruling — Article 99 of the Rules of Procedure of the Court — Agreements, decisions and concerted practices — Article 81 EC — Exclusive distribution agreement for motor-vehicle fuels and other fuels — Regulation (EEC) No 1984/83 — Article 12(2) — Regulation (EC) No 2790/1999 — Articles 4(a) and 5(a) — Period of exclusivity — Agreement of minor importance)

(2015/C 056/03)

Language of the case: Spanish

Referring court

Tribunal Supremo

Parties to the main proceedings

Appellant: Estación de Servicio Pozuelo 4 SL

Respondent: GALP Energía España SAU

Operative part of the judgment

1) *A contract, such as that at issue in the main proceedings, which provides for the creation of a surface right, in favour of a supplier of petroleum products, allowing that supplier to build a service station and let the service station to the owner of the land, and which contains a long-term exclusive purchasing obligation, does not have the effect of restricting competition appreciably and is therefore not caught by the prohibition set out in Article 81(1) EC given that, first, that supplier's market share is less than 3 %, compared to the cumulative market share of about 70 % held by three other suppliers, and, second, the duration of that contract is not manifestly excessive compared to the average duration of contracts generally concluded on the relevant market, which is a matter for the referring court to verify.*

2) *Article 12(2) of Commission Regulation (EC) No 2790/1999 of 22 December 1999 on the application of Article 81(3) of the Treaty to categories of vertical agreements and concerted practices must be interpreted as meaning that a contract — containing a non-compete clause — which was already in force on 31 May 2000 and which satisfies the conditions laid down by Commission Regulation (EEC) No 1984/83 of 22 June 1983 on the application of Article 85(3) of the Treaty to categories of exclusive purchasing agreements, as amended by Commission Regulation (EC) No 1582/97 of 30 July 1997, but which does not satisfy the conditions laid down by Regulation No 2790/1999, is excepted from the prohibition set out in Article 81(1) EC until 31 December 2001.*

([1]) OJ C 274, 21.9.2013.

Order of the Court (Ninth Chamber) of 4 December 2014 (request for a preliminary ruling from the Cour administrative d'appel de Nantes — France) — Adiamix v Direction départementale des finances publiques de l'Orne

(Case C-202/14) ([1])

(Reference for a preliminary ruling — State aid — Regulation (EC) No 659/1999 — Article 1(b)(v) — Tax exemption scheme for undertakings taking over a firm in difficulty — Commission decision declaring an aid scheme incompatible with the internal market — Recovery of individual aid granted under an aid scheme — Assessment of the validity of the Commission decision — Concepts of 'existing aid' and 'new aid')

(2015/C 056/04)

Language of the case: French

Referring court

Cour administrative d'appel de Nantes

Parties to the main proceedings

Applicant: Adiamix

Defendant: Direction départementale des finances publiques de l'Orne

Operative part of the order

Consideration of the question referred has not shown any factor such as to affect the validity of Commission Decision 2004/343/EC of 16 December 2003 on the aid scheme implemented by France for the takeover of firms in difficulty.

([1]) OJ C 202, 30.6.2014.

Request for a preliminary ruling from the Nejvyšší správní soud (Czech Republic) lodged on 13 November 2014 — Český telekomunikační úřad v T-Mobile Czech Republic a.s. and Vodafone Czech Republic a.s.

(Case C-508/14)

(2015/C 056/05)

Language of the case: Czech

Referring court

Nejvyšší správní soud

Parties to the main proceedings

Appellant: Český telekomunikační úřad

Respondents: T-Mobile Czech Republic a.s., Vodafone Czech Republic a.s.

Other parties to the proceedings: O2 Czech Republic a.s. (known as Telefónica Czech Republic, a.s. until 20 June 2014), UPC Česká republika, s.r.o.

Questions referred

1) Must Articles 12 and 13 of Directive 2002/22/EC of the European Parliament and of the Council ([1]) of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services ('the Directive') be interpreted as meaning that the concept laid down there of the 'net cost' of providing that service precludes a 'reasonable profit' of the provider from being included in the amount of the ascertained net cost of that service?

2) If the answer to Question 1 is in the affirmative, do those provisions of the Directive (Articles 12 and 13) have direct effect?

3) If Articles 12 and 13 of the Directive have direct effect, may that effect be relied on against a commercial company in which a Member State holds (controls) 51 % of the shares — in this case, O2 Czech Republic a.s. (is it a 'State entity') or not?

4) If the answers to Questions 1 to 3 are in the affirmative, may the Directive be applied also to relations which came into being in the period before the accession of the Czech Republic to the European Union (from 1 January to 30 April 2004)?

([1]) OJ 2002 L 108, p. 51.

Request for a preliminary ruling from the Hoge Raad der Nederlanden (Netherlands) lodged on 18 November 2014 — Gemeente Borsele, Staatssecretaris van Financiën

(Case C-520/14)

(2015/C 056/06)

Language of the case: Dutch

Referring court

Hoge Raad der Nederlanden

Parties to the main proceedings

Appellants in cassation: Gemeente Borsele, Staatssecretaris van Financiën

Questions referred

1) Should Article 2(1)(c) and Article 9(1) of Directive 2006/112/EC ([1]) be interpreted as meaning that, with regard to the transport of school pupils, on the basis of an arrangement as described in the present judgment, a municipality should to this extent be regarded as a taxable person within the meaning of that directive?

2) For the purpose of answering that question, should the arrangement as a whole be considered, or should this assessment be made for each transport operation separately?

3) If the latter is the case, should a distinction be made according to whether pupils are transported over a distance of between 6 and 20 kilometres or over a distance exceeding 20 kilometres?

([1]) Council Directive of 28 November 2006 on the common system of value added tax (OJ 2006 L 347, p. 1).

Request for a preliminary ruling from the Hoge Raad der Nederlanden (Netherlands) lodged on 21 November 2014 — X v Staatssecretaris van Financiën

(Case C-528/14)

(2015/C 056/07)

Language of the case: Dutch

Referring court

Hoge Raad der Nederlanden

Parties to the main proceedings

Appellant: X

Respondent: Staatssecretaris van Financiën

Questions referred

1) Does Regulation 1186/2009 ([1]) include the possibility that a natural person has at the same time his normal place of residence in both a Member State and a third country and, if so, does the relief from import duties provided for in Article 3 apply to personal property, which, when a person ceases to have his normal place of residence in the third country, is transferred to the European Union?

2) If Regulation 1186/2009 precludes two normal places of residence and an assessment of all the circumstances does not suffice to determine the normal place of residence, on the basis of which rule or which criteria is it necessary to determine, for the purposes of the application of that regulation, in which country the person concerned has his normal place of residence in a case such as the present case in which that person has both personal and occupational ties in the third country and personal ties in the Member State?

(1) Council Regulation (EC) No 1186/2009 of 16 November 2009 setting up a Community system of reliefs from customs duty (OJ 2009 L 324, p. 23).

Request for a preliminary ruling from the Augstākā tiesa (Latvia) lodged on 27 November 2014 — SIA 'VM Remonts' (formerly SIA 'DIV un Ko'), SIA 'Ausma grupa', SIA 'Pārtikas kompānija' v Konkurences padome

(Case C-542/14)

(2015/C 056/08)

Language of the case: Latvian

Referring court

Augstākā tiesa

Parties to the main proceedings

Applicants: SIA 'VM Remonts' (formerly SIA 'DIV un Ko'), SIA 'Ausma grupa', SIA 'Pārtikas kompānija'

Defendant: Konkurences padome

Question referred

Must Article 101(1) TFEU be interpreted as meaning that, in order for it to be established that an undertaking has participated in an agreement restricting competition, it must be shown that an officer of the undertaking has personally engaged in conduct or been aware of, or consented to, conduct by persons providing an external service to the undertaking and at the same time acting on behalf of other parties to a possible prohibited practice?

Reference for a preliminary ruling from the High Court of Justice, Queen's Bench Division (Administrative Court) (England and Wales) (United Kingdom) made on 1 December 2014 — Philip Morris Brands SARL, Philip Morris Limited, British American Tobacco UK Limited against Secretary of State for Health

(Case C-547/14)

(2015/C 056/09)

Language of the case: English

Referring court

High Court of Justice Queen's Bench Division (Administrative Court) (England and Wales)

Parties to the main proceedings

Applicants: Philip Morris Brands SARL, Philip Morris Limited, British American Tobacco UK Limited

Defendant: Secretary of State for Health

Other parties: Imperial Tobacco Limited, British American Tobacco UK Limited, JT International SA, Gallaher Limited, Tann UK Limited and Tannpapier GmbH, V. Mane Fils, Deutsche Benkert GmbH & Co. KG and Benkert UK Limited, Joh. Wilh. Von Eicken GmbH

Questions referred

The following questions relating to Directive 2014/40/EU ([1]) (the 'Directive' or 'TPD2') are referred to the Court of Justice of the European Union (the 'CJEU' or the 'Court') for a preliminary ruling under Article 267 TFEU:

Legal basis

1. Is the Directive invalid in whole or in part because Article 114 TFEU does not provide an adequate legal basis? In particular:

   (a) In relation to Article 24(2) of the Directive:

      (i) on its proper interpretation, to what extent does it permit Member States to adopt more stringent rules in relation to matters relating to the 'standardisation' of the packaging of tobacco products; and,

      (ii) in light of that interpretation, is Article 24(2) invalid because Article 114 TFEU does not provide an adequate legal basis?

   (b) Is Article 24(3) TPD2, which allows Member States to prohibit a category of tobacco or related products in specified circumstances, invalid because Article 114 TFEU does not provide an adequate legal basis?

   (c) Are the following provisions invalid because Article 114 TFEU does not provide an adequate legal basis:

      (i) the provisions of Chapter II of Title II TPD2, which relate to packaging and labelling;

      (ii) Article 7 TPD2, insofar as it prohibits menthol cigarettes and tobacco products with a characterising flavour;

      (iii) Article 18 TPD2, which allows Member States to prohibit cross-border distance sales of tobacco products; and,

      (iv) Articles 3(4) and 4(5) TPD2, which delegate powers to the Commission in relation to emission levels?

Proportionality and Fundamental Rights

2. In relation to Article 13 TPD2:

   (a) on its true interpretation, does it prohibit true and non-misleading statements about tobacco products on the product packaging; and,

   (b) if so, is it invalid because it violates the principle of proportionality and/or Article 11 of the Charter of Fundamental Rights?

3. Are any or all of the following provisions of TPD2 invalid because they infringe the principle of proportionality:

   (a) Articles 7(1) and 7(7), insofar as they prohibit the placing on the market of tobacco products with menthol as a characterising flavour and the placing on the market of tobacco products containing flavourings in any of their components;

   (b) Articles 8(3), 9(3), 10(l)(g) and 14, insofar as they impose various pack standardisation requirements; and,

   (c) Articles 10(l)(a) and (c), insofar as they require health warnings to cover 65 % of the external front and back surface of the unit packaging and any outside packaging?

Delegation/Implementation

4. Are any or all of the following provisions of TPD2 invalid because they infringe Article 290 TFEU:

   (a) Articles 3(2) and 3(4) concerning maximum emission levels;

   (b) Article 4(5) relating to measurement methods for emissions;

   (c) Articles 7(5), 7(11) and 7(12) concerning the regulation of ingredients;

   (d) Articles 9(5), 10(l)(f), 10(3), 11(6), 12(3) and 20(12) concerning health warnings;

   (e) Article 20(11) concerning the prohibition of electronic cigarettes and/or refill containers; and/or,

   (f) Article 15(12) concerning data storage contracts?

5. Are Articles 3(4) and 4(5) TPD2 invalid because they breach the principle of legal certainty and/or impermissibly delegate powers to external bodies that are not subject to the procedural safeguards required by EU law?

6. Are any or all of the following provisions of TPD2 invalid because they infringe Article 291 TFEU:

   (a) Article 6(1) concerning reporting obligations;

   (b) Article 7(2)-7(4) and 7(10) concerning implementing acts relating to the prohibition of tobacco products in certain circumstances; and/or,

   (c) Articles 9(6) and 10(4) concerning health warnings?

Subsidiarity

7. Is TPD2 and in particular Articles 7, 8(3), 9(3), 10(l)(g), 13 and 14 invalid for failure to comply with the principle of subsidiarity?

([1]) Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC, OJ L 127, p. 1.

Request for a preliminary ruling from the Højesteret (Denmark) lodged on 2 December 2014 — Finn Frogne A/S v Rigspolitiet ved Center for Beredskabskommunikation

(Case C-549/14)

(2015/C 056/10)

Language of the case: Danish

Referring court

Højesteret

Parties to the main proceedings

Applicant: Finn Frogne A/S

Defendant: Rigspolitiet ved Center for Beredskabskommunikation

Question referred

Is Article 2 of Directive 2004/18/EC ([1]) 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, read in conjunction with the judgments of the Court of Justice of the European Union in *Pressetext Nachrichtenagentur* v *Austria*, C-454/06, ECR, ECLI:EU:C:2008:351, and *Wall* v *La ville de Francfort-sur-le-Main and Frankfurter Entsorgungs- und Service (FES)*, C-91/08, ECR, ECLI:EU:C:2010:182, to be interpreted as meaning that a settlement agreement which introduces limitations on and amendments to the services to be provided as originally agreed by the parties under a contract previously put out to tender and also mutual agreement to waive application of remedies for breach in order to avoid a subsequent litigation constitutes a contract which in itself requires a tendering procedure, in a situation where the original contract has become distressed?

([1]) OJ 2004 L 134, p. 114.

Request for a preliminary ruling from the Østre Landsret (Denmark) lodged on 28 November 2014 — Envirotec Denmark ApS v Skatteministeriet

(Case C-550/14)

(2015/C 056/11)

Language of the case: Danish

Referring court

Østre Landsret

Parties to the main proceedings

Applicant: Envirotec Denmark ApS

Defendant: Skatteministeriet

Question referred

Are bars consisting of a random, rough fusion of various scrapped, gold-bearing metal objects covered by the terms 'gold material or semi-manufactured products' within the meaning of Article 198(2) of the VAT Directive ([1])?

It can be taken as established that the bars consist of a random, rough fusion of various scrapped, gold-bearing metal objects and they can contain, in addition to gold, also organic materials, such as teeth, rubber, PVC and metals/materials such as copper, tin, nickel, amalgam, the remains of batteries containing mercury and lead, and various toxic substances, etc. There is thus no question of it being a gold-bearing product which is being processed directly into a finished product. On the other hand, the bar is a processed product (a fusion), which — as a form of intermediate stage — is created with a view to extracting the gold content. The bars have a high gold content, on average between 500 and 600 thousandths, and thus substantially over 325 thousandths gold. After extraction the gold content is to be used to manufacture (gold/gold-bearing) products.

In answering the question, it can also be taken as established that the bars cannot directly form part of other products, since first the bars must be subjected to processing in which the metals are separated and the non-metals and hazardous substances etc., are melted away/excreted.

([1]) Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ 2006 L 347, p. 1).

Request for a preliminary ruling from the Juzgado Contencioso-Administrativo Nº 6 de Murcia (Spain) lodged on 3 December 2014 — IOS Finance EFC SA v Servicio Murciano de Salud

(Case C-555/14)

(2015/C 056/12)

Language of the case: Spanish

Referring court

Juzgado Contencioso-Administrativo Nº 6 de Murcia

Parties to the main proceedings

Applicant: IOS Finance EFC SA

Defendant: Servicio Murciano de Salud

Questions referred

"Regard being had to Articles 4(1), 6 and 7(2) and (3) of Directive 2011/7/EU of the European Parliament and of the Council of 16 February 2011 ([1]) on combating late payment in commercial transactions:

1) Must Article 7(2) of the directive be interpreted as meaning that a Member State may not make recovery of the principal debt conditional on the waiver of the right to interest for late payment?

2) Must Article 7(3) of the directive be interpreted as meaning that a Member State may not make recovery of the principal debt conditional on the waiver of the right to compensation for recovery costs?

3) Should the answer to those two questions be in the affirmative, where the debtor is a contracting authority, can it rely on the freedom of contract of the parties in order to avoid its obligation to pay interest for late payment and compensation for recovery costs?'

([1]) OJ 2011 L 48, p. 1.

Order of the President of the Second Chamber of the Court of 11 November 2014 — European Commission v Romania

(Case C-406/13) ([1])

(2015/C 056/13)

Language of the case: Romanian

The President of the Second Chamber has ordered that the case be removed from the register.

([1]) OJ C 260, 7.9.2013.

Order of the President of the Court of 18 November 2014 (request for a preliminary ruling from the Juzgado de Primera Instancia No 34 de Barcelona — Spain) — Cajas Rurales Unidas, Sociedad Cooperativa de Crédito v Evaristo Méndez Sena, Edelmira Pérez Vicente, Daniel Méndez Sena, Victoriana Pérez Bicéntez

(Case C-645/13) ([1])

(2015/C 056/14)

Language of the case: Spanish

The President of the Court has ordered that the case be removed from the register.

([1]) OJ C 71, 8.3.2014.

Order of the President of the Court of 17 November 2014 (request for a preliminary ruling from the Amtsgericht Rüsselsheim — Germany) — Juergen Schneider, Erika Schneider v Condor Flugdienst GmbH

(Case C-382/14) ([1])

(2015/C 056/15)

Language of the case: German

The President of the Court has ordered that the case be removed from the register.

([1]) OJ C 439, 8.12.2014.

GENERAL COURT

Judgment of the General Court of 17 December 2014 — Pilkington Group and Others v Commission

(Case T-72/09) ([1])

(Competition — Agreements, decisions and concerted practices — European market in carglass — Decision finding an infringement of Article 81 EC — Market-sharing agreements and exchanges of commercially sensitive information — Fines — Rights of defence — Retroactive application of the 2006 Guidelines on the method of setting fines — Value of sales — Passive or minor role — Deterrent effect of the fine — Taking into account fines previously imposed — Ceiling of the fine — Exchange rate for the calculation of the ceiling of the fine)

(2015/C 056/16)

Language of the case: English

Parties

Applicants: Pilkington Group Ltd (St Helens, United Kingdom); Pilkington Automotive Ltd (Lathom, United Kingdom); Pilkington Automotive Deutschland GmbH (Witten, Germany); Pilkington Holding GmbH (Gelsenkirchen, Germany); and Pilkington Italia SpA (San Salvo, Italy) (represented by: J. Scott, S. Wisking, K. Fountoukakos-Kyriakakos, Solicitors, J. Turner QC, A. Bates, Barrister, C. Puech Baron and D. Katrana, lawyers)

Defendant: European Commission (represented: initially by F. Castillo de la Torre, A. Biolan and M. Kellerbauer, subsequently by A. Biolan, M. Kellerbauer and N. von Lingen and lastly by A. Biolan, M. Kellerbauer and F. Ronkes Agerbeek, acting as Agents)

Re:

Application for annulment of Commission Decision C(2008) 6815 final of 12 November 2008 relating to a proceeding pursuant to Article 81 [EC] and Article 53 of the EEA Agreement (COMP/39.125 — Carglass), as amended by Commission Decision C(2009) 863 final of 11 February 2009 and also by Commission Decision C(2013) 1119 final of 28 February 2013, in so far as it concerns the applicants, and also, in the alternative, for annulment of Article 2 of that decision in that it imposes a fine on the applicants or, in the further alternative, application for reduction of that fine.

Operative part of the judgment

The Court:

1) *Dismisses the action;*

2) *Orders Pilkington Group Ltd, Pilkington Automotive Ltd, Pilkington Automotive Deutschland GmbH, Pilkington Holding GmbH and Pilkington Italia SpA to bear 90 % of their own costs and to pay all of the costs incurred by the Commission and orders the Commission to bear 10 % of the costs incurred by the applicants.*

([1]) OJ C 102, 1.5.2009.

Judgment of the General Court of 17 December 2014 — Hamas v Council

(Case T-400/10) ([1])

(Common foreign and security policy — Restrictive measures against certain persons and entities with a view to combating terrorism — Freezing of funds — Factual basis of the decisions to freeze funds — Reference to terrorist acts — Need for a decision of a competent authority for the purpose of Common Position 2001/931 — Obligation to state reasons — Temporal adjustment of the effects of an annulment)

(2015/C 056/17)

Language of the case: French

Parties

Applicant: Hamas (Doha, Qatar) (represented by: L. Glock, lawyer)

Defendant: Council of the European Union (represented: initially by B. Driessen and R. Szostak, and subsequently by B. Driessen and G. Étienne, acting as Agents)

Intervener in support of the defendant: European Commission (represented: initially by M. Konstantinidis and É. Cujo, and subsequently by M. Konstantinidis and F. Castillo de la Torre, acting as Agents)

Re:

Application for, initially, annulment of the Council Notice for the attention of the persons, groups and entities on the list provided for in Article 2(3) of Council Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism (OJ 2010 C 188, p. 13); of Council Decision 2010/386/CFSP of 12 July 2010 updating the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP on the application of specific measures to combat terrorism (OJ 2010 L 178, p. 28); and of Council Implementing Regulation (EU) No 610/2010 of 12 July 2010 implementing Article 2(3) of Regulation (EC) No 2580/2001 and repealing Implementing Regulation (EU) No 1285/2009 (OJ 2010 L 178, p. 1), in so far as those measures concern the applicant.

Operative part of the judgment

The Court:

1) *Annuls Council Decisions 2010/386/CFSP of 12 July 2010, 2011/70/CFSP of 31 January 2011, 2011/430/CFSP of 18 July 2011 updating the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP on the application of specific measures to combat terrorism, Council Decisions 2011/872/CFSP of 22 December 2011, 2012/333/CFSP of 25 June 2012, 2012/765/CFSP of 10 December 2012, 2013/395/CFSP of 25 July 2013, 2014/72/CFSP of 10 February 2014 and 2014/483/CFSP of 22 July 2014 updating the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP on the application of specific measures to combat terrorism and repealing, respectively, Decisions 2011/430, 2011/872, 2012/333, 2012/765, 2013/395 and 2014/72, in so far as they concern Hamas (including Hamas-Izz al-Din al-Qassem);*

2) *Annuls Council Implementing Regulations (EU) No 610/2010 of 12 July 2010, No 83/2011 of 31 January 2011, No 687/2011 of 18 July 2011, No 1375/2011 of 22 December 2011, No 542/2012 of 25 June 2012, No 1169/2012 of 10 December 2012, No 714/2013 of 25 July 2013, No 125/2014 of 10 February 2014 and No 790/2014 of 22 July 2014 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing, respectively, Implementing Regulations (EU) No 1285/2009, No 610/*

2010, No 83/2011, No 687/2011, No 1375/2011, No 542/2012, No 1169/2012, No 714/2013 and No 125/2014 in so far as they concern Hamas (including Hamas-Izz al-Din al-Qassem);

3) *Orders that the effects of Decision 2014/483 and of Implementing Regulation No 790/2014 be maintained for three months from delivery of the present judgment or, if an appeal is lodged within the period prescribed in the first paragraph of Article 56 of the Statute of the Court of Justice of the European Union, until the Court of Justice has given judgment on that appeal;*

4) *Dismisses the action as to the remainder;*

5) *Orders the Council of the European Union, in addition to bearing its own costs, to pay the costs incurred by Hamas;*

6) *Orders the European Commission to bear its own costs.*

(1) OJ C 317, 20.11.2010.

Judgment of the General Court of 17 December 2014 — Si.mobil v Commission

(Case T-201/11) (1)

(Competition — Abuse of dominant position — Slovenian mobile telephone services market — Decision rejecting a complaint — Case being dealt with by the competition authority of a Member State — No EU interest)

(2015/C 056/18)

Language of the case: English

Parties

Applicant: Si.mobil telekomunikacijske storitve d.d. (Ljubljana, Slovenia) (represented by: P. Alexiadis and E. Sependa, Solicitors, and subsequently by P. Alexiadis, P. Figueroa Regueiro and A. Melihen, lawyers)

Defendant: European Commission (represented by: C. Giolito, B. Gencarelli and A. Biolan, and subsequently by C. Giolito and A. Biolan, acting as Agents)

Interveners in support of the defendant: Republic of Slovenia (represented by: T. Mihelič Žitko and V. Klemenc, acting as Agents); and Telekom Slovenije d.d. formerly Mobitel, telekomunikacijske storitve d.d. (Ljubljana, Slovenia) (represented by: J. Sladič and P. Sladič, lawyers)

Re:

Application for annulment of Commission Decision C(2011) 355 final of 24 January 2011 rejecting the applicant's complaint concerning infringements of Article 102 TFEU allegedly committed by Mobitel on a number of wholesale and retail mobile telephone markets (Case COMP/39.707 — Si.mobil/Mobitel).

Operative part of the judgment

The Court:

1) *Dismisses the action;*

2) *Orders Si.mobil telekomunikacijske storitve d.d. to bear its own costs and to pay the costs incurred by the European Commission and by Telekom Slovenije d.d;*

3) *Orders the Republic of Slovenia to bear its own costs.*

(1) OJ C 160, 28.5.2011.

Judgment of the General Court of 8 January 2015 — Club Hotel Loutraki and Others v Commission

(Case T-58/13) ([1])

(State aid — Operation of Video Lottery Terminals — Grant by the Hellenic Republic of an exclusive licence — Decision finding no State aid — Failure to initiate the formal investigation procedure — Serious difficulties — Procedural rights of the interested parties — Obligation to state reasons — Right to effective judicial protection — Advantage — Joint assessment of the notified measures)

(2015/C 056/19)

Language of the case: English

Parties

Applicants: Club Hotel Loutraki AE (Loutraki, Greece); Vivere Entertainment AE (Athens, Greece); Theros International Gaming, Inc. (Patra, Greece); Elliniko Casino Kerkyras (Athens); Casino Rodos (Rhodes, Greece); Porto Carras AE (Alimos, Greece); Kazino Aigaiou AE (Syros, Greece) (represented by: S. Pappas, lawyer)

Defendant: European Commission (represented by: M. Afonso and P.-J. Loewenthal, acting as Agents)

Interveners in support of the defendant: Hellenic Republic (represented by: E.-M. Mamouna and K. Boskovits, acting as Agents); and Organismos Prognostikon Agonon Podosfairou AE (OPAP) (Athens, Greece) (represented: initially by K. Fountoukakos-Kyriakakos, Solicitor, L. Van den Hende and M. Sánchez Rydelski, lawyers, and subsequently by M. Petite and A. Tomtsis, lawyers)

Re:

Application for annulment of Commission Decision C(2012) 6777 final of 3 October 2012 on State aid SA.33 988 (2011/N) — Greece — Arrangements for the extension of OPAP's exclusive right to operate 13 games of chance and the granting of an exclusive licence to operate 35 000 Video Lottery Terminals for a period of 10 years.

Operative part of the judgment

The Court:

1) *Dismisses the action;*

2) *Orders Club Hotel Loutraki AE, Vivere Entertainment AE, Theros International Gaming, Inc., Elliniko Casino Kerkyras, Casino Rodos, Porto Carras AE and Kazino Aigaiou AE to bear their own costs and to pay those incurred by the European Commission and the Organismos Prognostikon Agonon Podosfairou AE (OPAP);*

3) *Orders the Hellenic Republic to bear its own costs.*

([1]) OJ C 114, 20.4.2013.

Judgment of the General Court of 17 December 2014 — Lidl Stiftung v OHIM (Deluxe)

(Case T-344/14) ([1])

(Community trade mark — Application for figurative Community mark Deluxe — Absolute ground for refusal — Lack of distinctiveness — Article 7(1)(b) of Regulation (EC) No 207/2009)

(2015/C 056/20)

Language of the case: German

Parties

Applicant: Lidl Stiftung & Co. KG (Neckarsulm, Germany) (represented by: M. Kefferpütz and A. Wrage, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: A. Schifko, acting as Agent)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 6 March 2014 (Case R 1223/2013-1) concerning an application for registration of the figurative sign Deluxe as a Community trade mark.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Lidl Stiftung & Co. KG to pay the costs.*

([1]) OJ C 235, 21.7.2014.

Order of the General Court of 10 December 2014 — Productos Derivados del Acero v Commission

(Case T-388/10) ([1])

(Action for annulment — Representation of the parties — No need to adjudicate)

(2015/C 056/21)

Language of the case: Spanish

Parties

Applicant: Productos Derivados del Acero, SA (Catarroja, Spain) (represented initially by M. Escuder Tella, F. Palau-Ramírez and J. Viciano Pastor, lawyers, subsequently by M. Escuder Tella and J. Viciano Pastor, lawyers)

Defendant: European Commission (represented by: F. Castillo de la Torre, F. Castilla Contreras and V. Bottka, acting as Agents)

Re:

Application for annulment of Commission Decision C (2010) 4387 final of 30 June 2010 relating to a proceeding under Article 101 TFEU and Article 53 of the EEA Agreement (Case COMP/38344 — Prestressing steel), amended by Commission Decision C (2010) 6676 final of 30 September 2010 and Commission Decision C (2011) 2269 final of 4 April 2011.

Operative part of the order

1. *There is no longer any need to adjudicate on the action.*

2. *Productos Derivados del Acero, SA shall bear its own costs and pay those incurred by the Commission.*

([1]) OJ C 301, 6.11.2010.

Order of the General Court of 15 December 2014 — AQ v Parliament

(Case T-168/11) ([1])

(Action for compensation — Compensation for damage suffered by the applicant following the decision of the Parliament to take no further action on his petition — Request to initiate an inquiry into the alleged irregularities in the proceedings before the European Court of Human Rights — Manifest inadmissibility)

(2015/C 056/22)

Language of the case: Polish

Parties

Applicant: AQ (Żary, Poland) (represented by: P. K. Rosiak, lawyer)

Defendant: European Parliament (represented by: K. Zejdová, acting as Agent)

Re:

Action for compensation for the damage suffered by the applicant following the decision of the Parliament to take no further action on his petition requesting the opening of an inquiry into the alleged irregularities in the proceedings before the European Court of Human Rights.

Operative part of the order

1. *The action is dismissed.*

2. *Mr AQ is ordered to bear his own costs and to pay those of the European Parliament.*

3. *The amount of the legal aid to be paid by the cashier of the General Court is fixed at EUR 1 653,36.*

([1]) OJ C 250, 18.8.2012.

Order of the General Court of 4 December 2014 — Alstom v Commission

(Case T-164/12) ([1])

(Competition — Action for damages brought before a national court — Request for cooperation — Article 15(1) of Regulation (EC) No 1/2003 — Decision of the Commission to transmit information to a national court — Withdrawal of the request — Withdrawal of the decision — No need to adjudicate)

(2015/C 056/23)

Language of the case: English

Parties

Applicant: Alstom (Levallois-Perret, France) (represented: initially by J. Derenne, lawyer, N. Heaton, P. Chaplin and M. Farley, Solicitors, and subsequently by J Derenne, N Heaton and P Chaplin)

Defendant: European Commission (represented by: A. Antoniadis, N. Khan and P. Van Nuffel, acting as Agents)

Intervener in support of the defendant: National Grid Electricity Transmission plc (London, United Kingdom) (represented by: A. Magnus, C. Bryant, E. Coulson, Solicitors, J. Turner QC, D. Beard QC and L. John, Barrister)

Re:

Application for annulment of the Commission's decision, communicated to the applicant by letter of 26 January 2012 of the Director General of the Commission's Directorate-General for Competition under reference D/2012/006840, to accede to the request for cooperation from the High Court of Justice of England and Wales, in so far as it involves the disclosure of information allegedly covered by the obligation of professional secrecy in the applicant's reply to the statement of objections in Case COMP/F/38.899 — Gas insulated switchgear.

Operative part of the order

1) *There is no need to adjudicate on the action.*

2) *The parties shall bear their own costs, including those incurred in the proceedings for interim measures.*

([1]) OJ C 165, 9.6.2012.

Order of the General Court of 4 December 2014 — Talanton v Commission

(Case T-165/13) ([1])

(Arbitration clause — Pocemon and Perform contracts concluded as part of the Seventh Framework Programme for research, technological development and demonstration (2007-2013) — Eligible costs — Repayment of sums paid — Audit report — No interest in bringing proceedings — Interest in seeking a declaration — Inadmissibility)

(2015/C 056/24)

Language of the case: Greek

Parties

Applicant: Talanton AE — Symvouleftiki-Ekpaideftiki Etaireia Dianomon, Parochis Ypiresion Marketing kai Dioikisis Epicheiriseon (Palaio Faliro, Greece) (represented by: M. Angelopoulos and K. Damis, lawyers)

Defendant: European Commission (represented by: R. Lyal and A. Sauka, acting as Agents, and L. Athanassiou and G. Gerapetritis, lawyers)

Re:

ACTION based on Article 272 TFEU and the first paragraph of Article 340 TFEU seeking a declaration by the Court, first, that the refusal by the Commission to allow as eligible costs certain sums paid to the applicant by way of the implementation of the Perform and Pocemon grant agreements constitutes a breach by the Commission of its contractual obligations, and, secondly, that there is no need to refund part of those sums, or the amount of the liquidate allowance specified by the Commission.

Operative part of the order

1. *The action is dismissed as inadmissible.*

2. *Talanton AE — Symvouleftiki-Ekpaideftiki Etaireia Dianomon, Parochis Ypiresion Marketing kai Dioikisis Epicheiriseon is ordered to pay the costs, including those incurred in the proceedings for interim measures.*

([1]) OJ C 156, 1.6.2013.

Order of the General Court of 21 November 2014 — Kinnarps v OHIM (MAKING LIFE BETTER AT WORK)

(Case T-697/13) ([1])

(Community trade mark — Application for Community word mark MAKING LIFE BETTER AT WORK — Absolute ground for refusal — Lack of distinctiveness — Article 7(1)(b) of Regulation (EC) No 207/2009 — Action in part manifestly unfounded in law and in part manifestly inadmissible)

(2015/C 056/25)

Language of the case: Swedish

Parties

Applicant: Kinnarps AB (Kinnarp, Sweden) (represented by: M. Wahlin, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: G. Melander and D. Walicka, acting as Agents)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 28 October 2013 (Case R 2272/2012-2) concerning an application for registration of the word sign MAKING LIFE BETTER AT WORK as a Community trade mark.

Operative part of the order

1. *The action is dismissed.*

2. *Kinnarps AB is ordered to pay the costs.*

(1) OJ C 93, 29.3.2014.

Order of the General Court of 26 November 2014 — Léon Van Parys v Commission

(Case T-171/14) (1)

(Action for annulment — Customs union — Commission letter informing about the continuation of the suspension of the time-limit for dealing with an application for remission of customs duties — Application for a ruling — Lack of competence of the General Court — No interest in bringing proceedings — Manifest inadmissibility)

(2015/C 056/26)

Language of the case: Dutch

Parties

Applicant: Firma Léon Van Parys (Antwerp, Belgium) (represented by: P. Vlaemminck, B. Van Vooren and R. Verbeke, lawyers)

Defendant: European Commission (represented by: A. Caeiros, B.-R. Killmann and M. van Beek, acting as Agents)

Re:

First, application for annulment of the letter of the European Commission of 24 January 2014 informing the applicant about the continuation of the suspension of the time-limit for dealing with an application for remission of customs duties under Article 907 of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (OJ 1993 L 253, p. 1) and, secondly, application for a ruling that Article 909 of Regulation No 2454/93 had effect with regard to the applicant after the judgment of 19 March 2013 in *Firma Van Parys* v *Commission* (T-324/10, ECR, EU:T:2013:136).

Operative part of the order

1. *The application is dismissed;*

2. *Firma Léon Van Parys is ordered to bear its own costs and to pay those incurred by the European Commission.*

(1) OJ C 151, 19.5.2014.

Order of the President of the General Court of 4 December 2014 — Vanbreda Risk & Benefits v Commission

(Case T-199/14 R)

(Application for interim measures — Public services contracts — Tendering procedure — Supply of insurance services for property and persons — Rejection of a tender — Application for suspension of operation — Admissibility — Prima facie case — Urgency — Balancing of interests)

(2015/C 056/27)

Language of the case: French

Parties

Applicant: Vanbreda Risk & Benefits (Antwerp, Belgium) (represented by: P. Teerlinck and P. de Bandt, lawyers)

Defendant: European Commission (represented by: S. Delaude and L. Cappelletti, acting as Agents)

Re:

Application for interim measures seeking, in essence, suspension of the operation of the decision of the Commission of 30 January 2014 rejecting the tender that the applicant had submitted following a call for tenders in respect of insurance services for property and persons and awarding the contract to another company.

Operative part of the order

1. *The decision of the European Commission of 30 January 2014 rejecting the tender that Vanbreda Risk & Benefits had submitted following a call for tenders in respect of insurance services for property and persons and awarding the contract to another company is suspended in respect of the award of lot 1.*

2. *The effects of the decision of the Commission of 30 January 2014 shall be maintained until the expiry of the period for bringing an appeal against the present order.*

3. *Costs are reserved.*

Order of the General Court of 10 December 2014 — Mabrouk v Council

(Case T-277/14) ([1])

(Common foreign and security policy — Restrictive measures directed against certain persons and entities in view of the situation in Tunisia — Freezing of funds — Action for failure to act — Request for access to the evidence used by the Council against a natural person affected by those measures — Access granted by the Council — Action becoming devoid of purpose — No need to adjudicate)

(2015/C 056/28)

Language of the case: English

Parties

Applicant: Mohamed Marouen Ben Ali Ben Mohamed Mabrouk (Tunis, Tunisia) (represented by: J.-R. Farthouat, J.-P. Mignard, N. Boulay, lawyers and S. Crosby, Solicitor)

Defendant: Council of the European Union (represented by: A. De Elera and G. Étienne, acting as Agents)

Re:

Action seeking a declaration of a failure to act on the part of the Council in that it unlawfully failed to act upon the applicant's request for access to the file containing the evidence on which the Council relied in ordering the freezing of his assets in the European Union.

Operative part of the order

1. *There is no need to adjudicate on the action.*

2. *The Council of the European Union shall pay the costs.*

([1]) OJ C 194, 24.6.2014.

Order of the General Court of 12 December 2014 — Christian Dior Couture v OHIM (Representation of a pattern of squares with a honeycomb effect)

(Case T-313/14) ([1])

(Community trade mark — Registration refused in part — Application for registration withdrawn in part — No need to adjudicate)

(2015/C 056/29)

Language of the case: French

Parties

Applicant: Christian Dior Couture SA (Paris, France) (represented by: M. Sabatier, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: S. Pétrequin and A. Folliard-Monguiral, acting as Agents)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 4 March 2014 (Case R 459/2013-4), in relation to an application for international registration designating the European Union.

Operative part of the order

1. *There is no need to adjudicate on the action.*

2. *The applicant is ordered to pay the costs.*

([1]) OJ C 223, 14.7.2014.

Order of the General Court of 12 December 2014 — CR v Parliament and Council

(Case T-342/14 P) ([1])

(Appeal — Civil Service — Officials — Remuneration — Family allowances — Dependent child allowance — Recovery of overpayments — Plea of illegality raised in relation to paragraph 2 of Article 85 of the Staff Regulations — Legal certainty — Proportionality — Obligation to state reasons — Appeal manifestly unfounded)

(2015/C 056/30)

Language of the case: French

Parties

Appellant: CR (Malling, France) (represented by: A. Salerno, lawyer)

Other parties to the proceedings: European Parliament (represented by: V. Montebello-Demogeot and E. Taneva, acting as Agents) and Council of the European Union (represented initially by M. Bauer and A. Bisch, and subsequently by M. Bauer and E. Rebasti, acting as agents)

Re:

Appeal brought against the judgment of the Civil Service Tribunal of the European Union (Third Chamber) of 12 March 2014 in *CR* v *Parliament* (F-128/12, ECR-SC, EU:F:2014:38), seeking to have that judgment set aside.

Operative part of the order

1. *The appeal is dismissed.*

2. *Mr CR shall bear his own costs and those incurred by the European Parliament in the present proceedings.*

3. *The Council of the European Union shall bear its own costs.*

(1) OJ C 212, 7.7.2014.

Order of the General Court of 28 November 2014 — Quanzhou Wouxun Electronics v OHMI — Locura Digital (WOUXUN)

(Case T-345/14) (1)

(Action for annulment — Time-limit for bringing proceedings — Out of time — No unforeseeable circumstances or force majeure — Manifest inadmissibility)

(2015/C 056/31)

Language of the case: French

Parties

Applicant: Quanzhou Wouxun Electronics Co. Ltd (Quanzhou, China) (represented by: A. Sebastião and J. Pimenta, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs)

Other party to the proceedings before the Board of Appeal of OHIM: Locura Digital, SL (Granollers, Spain)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 17 February 2014 (Case R 407/2013-4), concerning an application for registration of the word sign WOUXUN as a Community trade mark.

Operative part of the order

1. *The action is dismissed.*

2. *Quanzhou Wouxun Electronics Co. Ltd shall bear its own costs.*

(1) OJ C 235, 21.7.2014.

Order of the President of the General Court of 8 December 2014 — STC v Commission

(Case T-355/14 R)

(Interim measures — Public services contracts — Tendering procedure — Construction and maintenance of a tri-generation plant — Rejection of tender submitted by a tenderer — Application for interim measures — Prima facie case not made out)

(2015/C 056/32)

Language of the case: Italian

Parties

Applicant: STC SpA (Forlì, Italy) (represented by: A. Marelli and G. Delucca, lawyers)

Defendant: European Commission (represented by: L. Cappelletti, L. Di Paolo and F. Moro, acting as Agents)

Re:

In essence (i) an application to suspend the operation of the Commission's decision of 3 April 2014 in which the Commission rejected the tender submitted by STC in tendering procedure JRC IPR 2013 C04 0031 OC for the construction and maintenance of a tri-generation plant with a gas turbine on the Ispra (Italy) site of its Joint Research Centre (JRC) (OJ 2013/S 137-237146), the decision in which the Commission awarded the contract to CPL Concordia and consequently all other subsequent decisions; and (ii) an application to suspend the operation of the Commission's decision to refuse the request for access to the documents and an interim measure to allow the full exercise of the right of access to the tender documents.

Operative part of the order

1. *The application for interim measures is dismissed.*

2. *Costs are reserved.*

Order of the General Court of 12 December 2014 — Alsharghawi v Council

(Case T-532/14) ([1])

(Action for annulment — Common Foreign and Security Policy — Restrictive measures taken in view of the situation in Libya — Freezing of funds and economic resources — Action for annulment — Period allowed for commencing proceedings — Inadmissibility)

(2015/C 056/33)

Language of the case: French

Parties

Applicant: Bashir Saleh Bashir Alsharghawi (Johannesburg, South Africa) (represented by: E. Moutet, lawyer)

Defendant: Council of the European Union (represented by: A. Vitro and V. Piessevaux, acting as Agents)

Re:

APPLICATION for annulment, first, of Council Decision 2011/137/CFSP of 28 February 2011 concerning restrictive measures in view of the situation in Libya (OJ 2011 L 58, p. 53), and, secondly, Council Decision 2011/178/CFSP of 23 March 2011 amending Decision 2011/137 (OJ 2011 L 78, p. 24), in so far as they apply to the applicant.

Operative part of the order

1. *The action is dismissed as inadmissible.*

2. *Mr Bashir Saleh Bashir Alsharghawi is ordered to pay the costs.*

(1) OJ C 303, 8.9.2014.

Order of the President of the General Court of 5 December 2014 — AF Steelcase v OHIM

(Case T-652/14 R)

(Interim measures — Public procurement — Supply and installation of furniture — Rejection of a submitted tender — Application for suspension of operation — No prima facie case)

(2015/C 056/34)

Language of the case: Spanish

Parties

Applicant: AF Steelcase, SA (Madrid, Spain) (represented by: S. Rodríguez Bajón, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (represented by: N. Bambara and M. Paolacci, acting as Agents)

Re:

Application for interim measures seeking, essentially, suspension of the decision of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 8 July 2014 rejecting the tender submitted by the applicant in the context of the tender procedure concerning the supply and installation of furniture and accessories in OHIM's buildings.

Operative part of the order

1. *The application for interim measures is dismissed.*

2. *The costs are reserved.*

Action brought on 4 December 2014 — Philip Morris v Commission

(Case T-796/14)

(2015/C 056/35)

Language of the case: English

Parties

Applicant: Philip Morris Ltd (Richmond, United Kingdom) (represented by: K. Nordlander and M. Abenhaïm, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— declare the application for annulment admissible;

— annul the Decision Ares (2014) 3142109 of the European Commission, dated 24 September 2014, in so far as it refuses to grant the applicant full access to the requested documents, with the exception of the redacted personal data contained therein;

— order the Commission to pay the applicant's costs for these proceedings.

Pleas in law and main arguments

The applicant seeks the annulment of Decision Ares(2014)3142109 of 24 September 2014, whereby the Commission refused to grant the applicant full access to six internal documents drawn up in the context of the preparatory works leading to the adoption of Directive 2014/40/EU on the manufacture, presentation and sale of tobacco and related products ([1]) (the 'Contested Decision').

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

1. First plea in law, alleging that the Commission breached its duty to state reasons by failing to explain — for each document — which relevant exception of the Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (the 'Transparency Regulation') it applied and on the basis of what factual circumstances and considerations. By relying on the same overall blanket arguments to support the different grounds of refusal (protection of court proceedings, legal advice and the decision-making process), the Commission failed to state the reasons why disclosure of the requested documents would 'specifically and actually' undermine each of these interests. More specifically, the Contested Decision does not explain whether the justification invoked for each relevant refusal is 'court proceedings' or 'legal advice'.

2. Second plea in law, alleging that the Commission breached Article 4(2) second indent of the Transparency Regulation by failing to show how disclosure in each case would 'specifically and actually' undermine the protection of 'legal advice' or 'court proceedings'. As regards the protection of 'legal advice', the Commission's abstract justifications have all been dismissed in case law and the Commission provides no concrete explanation showing why, in this case, full disclosure of the requested documents would specifically and actually undermine the protection of legal advice. As regards 'court proceedings', the Commission again fails to explain, concretely, why disclosure would 'specifically and actually' undermine the protection of 'court proceedings'.

3. Third plea in law, alleging that the Commission breached both subparagraphs of Article 4(3) of the Transparency Regulation by failing to explain how disclosure would specifically and actually undermine the protection of the 'decision-making process'. As regards the first subparagraph of Article 4(3) of the Transparency Regulation, the Commission failed to identify a 'decision-making process' that could still be viewed as 'ongoing' and to demonstrate how disclosure would specifically and actually undermine its decision-making process. As regards the second subparagraph of that provision, the Commission failed to show that the requested documents were 'opinions' within the meaning of that subparagraph and a fortiori that the risk that disclosure would specifically and actually undermine the decision-making process was serious within the stricter meaning of that subparagraph.

([1]) Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC, OJ, 2014, L 127, p. 1.

Action brought on 9 December 2014 — Philip Morris v Commission

(Case T-800/14)

(2015/C 056/36)

Language of the case: English

Parties

Applicant: Philip Morris Ltd (Richmond, United Kingdom) (represented by: K. Nordlander and M. Abenhaïm, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— Declare the application for annulment admissible;

— Annul the Commission's Decision Ares (2014) 3188066, dated 29 September 2014, in so far as it refused to grant the applicant full access to the requested documents, with the exception however, of the redacted personal data contained therein;

— Order the Commission to pay the applicant's costs for these proceedings.

Pleas in law and main arguments

The applicant seeks the annulment of Decision Ares(2014) 3188066 of 29 September 2014, whereby the Commission refused to grant the applicant full access to nine internal documents drawn up in the context of the preparatory works leading to the adoption of Directive 2014/40/EU on the manufacture, presentation and sale of tobacco and related products ([1]) (the 'Contested Decision').

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

1. First plea in law, alleging that the Commission breached its duty to state reasons by failing to explain — for each document and redaction — which relevant exception of the Regulation (EC) No 1049/2001 ([2]) (the 'Transparency Regulation') it applied and on the basis of what factual circumstances and considerations. By relying on the same overall blanket arguments to justify its refusal on the grounds of the protection of court proceedings and legal advice, the Commission failed to state the reasons why disclosure of the requested documents would 'specifically and actually' undermine each of these interests. More specifically, the Contested Decision does not explain whether the justification invoked for each relevant refusal is 'court proceedings' or 'legal advice'.

2. Second plea in law, alleging that the Commission breached Article 4(2) second indent of the Transparency Regulation by failing to show how disclosure in each case would 'specifically and actually' undermine the protection of 'legal advice' or 'court proceedings'. As regards the protection of 'legal advice', the Commission's abstract justifications have all been dismissed in case law and the Commission provided no concrete explanation showing why, in this case, full disclosure of the requested documents would 'specifically and actually' undermine the protection of legal advice. As regards 'court proceedings', the Commission again failed to explain, concretely, why disclosure would 'specifically and actually' undermine the protection of 'court proceedings'. A fortiori, the Commission failed to carry out a detailed and specific assessment of whether an overriding public interest could justify the disclosure of the requested documents.

3. Third plea in law, alleging the Commission breached the second subparagraph of Article 4(3) of the Transparency Regulation by failing to show that the relevant documents/redactions contain 'opinions for internal use', by failing to explain how disclosure of these documents would 'specifically and actually' undermine the protection of the decision-making process and by failing to properly balance the interest invoked against the overriding public interest in disclosure.

([1]) Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC, OJ, 2014, L 127, p. 1.

([2]) Regulation (EC) No 1049/2001of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ L 145, p. 43.

Action brought on 17 December 2014 — Tayto Group v OHIM — MIP Metro (REAL HAND COOKED)

(Case T-816/14)

(2015/C 056/37)

Language in which the application was lodged: English

Parties

Applicant: Tayto Group Ltd (Craigavon, United Kingdom) (represented by: R. Kunze, Solicitor, and G. Würtenberger, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)

Other party to the proceedings before the Board of Appeal: MIP Metro Group Intellectual Property GmbH & Co. KG (Düsseldorf, Germany)

Details of the proceedings before OHIM

Proprietor of the trade mark at issue: Applicant

Trade mark at issue: Community figurative mark containing the word elements 'REAL HAND COOKED' — Community trade mark application No 9 062 688

Procedure before OHIM: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of OHIM of 6 October 2014 in Case R 842/2013-4

Form of order sought

The applicant claims that the Court should:

— Annul the contested decision;

— Order OHIM to pay the costs.

Pleas in law

— Infringement of Articles 8(1)(b), 64, 75, 76 and 83 of Regulation No 207/2009.

Action brought on 24 December 2014 — Gascogne Sack Deutschland and Gascogne v Commission

(Case T-843/14)

(2015/C 056/38)

Language of the case: French

Parties

Applicants: Gascogne Sack Deutschland GmbH (Wieda, Germany) and Gascogne (Saint-Paul-les-Dax, France) (represented by: F. Puel and E. Durant, lawyers)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

— declare that the European Union is non-contractually liable for the proceedings before the General Court which failed to have regard to the requirement that the case be dealt with within a reasonable time;

Consequently, it should:

— order the European Union to pay full and sufficient compensation for the material and non-material damage which the applicants have suffered as a result of the European Union's unlawful conduct, corresponding to the following amounts, together with compensatory and default interest at the rate applied by the European Central Bank to its main refinancing operations, increased by two percentage points, starting from the date when the application was submitted:

  — EUR 1 193 467 for losses suffered as a result of paying the additional legal interest applied to the nominal amount of the fine beyond a reasonable period;

  — EUR 187 571 for losses suffered as a result of making additional bank guarantee payments beyond a reasonable period;

— EUR 2 000 000 for profits lost and/or losses suffered as a result of 'uncertainty', and

— EUR 500 000 for the non-material damage suffered;

— In the alternative, if the Court finds that the amount of damage suffered needs to be re-assessed, it should order the commissioning of an expert's report in accordance with Article 65(d), Article 66(1) and Article 70 of the Rules of Procedure of the General Court;

— In any event, the Court should order the European Union to pay the costs of the present proceedings.

Pleas in law and main arguments

In support of the action, the applicants rely on a single plea in law, alleging infringement of the second paragraph of Article 47 of the Charter of Fundamental Rights of the European Union owing to the excessive duration of the proceedings before the General Court, that is, infringement of their fundamental right to a hearing within a reasonable time.

Action brought on 30 December 2014 — GHC v Commission

(Case T-847/14)

(2015/C 056/39)

Language of the case: German

Parties

Applicant: GHC Gerling, Holz & Co. Handels GmbH (Hamburg, Germany) (represented by: D. Lang, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul the Commission implementing decision of 31 October 2014 C(2014) 7920 and the quota assigned to the applicant for 2015 for the placing of hydrofluorocarbons on the market, in so far as they establish too low a reference value for the applicant and assign to the applicant too low a quota for 2015;

— order the defendant to pay the costs.

Pleas in law and main arguments

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

1. First plea in law: Infringement of Regulation (EU) No 517/2014 ([1])

   — By this plea the applicant submits that the defendant established too low a reference value for the applicant and assigned to it too low a quota for 2015. The applicant complains that, in its calculation, the Commission took into account the development of stocks in the reference years.

   — The applicant submits that the wording, history, scheme and spirit and purpose of Regulation No 517/2014 do not justify the taking into account of the development of stocks.

   — Within the context of this plea, the applicant asserts that the annual development of stocks is not suitable for determining the quantity actually placed on the market for importers and exporters which are not producers, and distorts that determination to the applicant's detriment.

2. Second plea in law: Infringement of the principle of equality stemming from Article 20 of the Charter of Fundamental Rights of the European Union

   — By this plea the applicant submits that, due to the taking into account of the annual development of stocks in the reference years, it is unfairly disadvantaged vis-à-vis importers which sold their stocks over the course of the reference year and did not store them beyond the end of the year.

— In addition, the applicant as an importer is also unfairly disadvantaged vis-à-vis producers, since the taking into account of the development of the annual stocks is suitable for producers to accurately reflect the quantity actually placed on the market, whereas it is distorted to the applicant's detriment.

3. Third plea in law: Infringement of the obligation to state reasons stemming from Article 296 TFEU

— By this plea the applicant submits in particular that the contested decision does not comply with the requirements flowing from the obligation to state reasons; in particular it is not evident how the tonnes of CO_2 equivalent indicated for the applicant is composed.

(1) Regulation (EU) No 517/2014 of the European Parliament and of the Council of 16 April 2014 on fluorinated greenhouse gases and repealing Regulation (EC) No 842/2006 (OJ 2014 L 150, p. 195).

Action brought on 2 January 2015 — SNCM v Commission

(Case T-1/15)

(2015/C 056/40)

Language of the case: French

Parties

Applicant: Société nationale maritime Corse Méditerranée (SNCM) (Marseille, France) (represented by: F.-C. Laprévote and C. Froitzheim, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul, on the basis of Articles 107 and 263 TFEU and Article 41 of the Charter, Decision C(2013) 7066 final of 20 November 2013 in its entirety;

— annul the decision in its entirety to the extent that it finds that the disposal of 75 % of SNCM at the negative price of EUR 158 million constitutes State aid for the purposes of Article 107 TFEU;

— in the alternative, partially annul the decision to the extent that it finds that the increase in capital of EUR 8,75 million to which CGMF subscribed constitutes State aid;

— in the alternative, partially annul the decision to the extent that it finds that the current account advance of EUR 38,5 million constitutes State aid;

— in the alternative, partially annul the Commission's decision in that it examines jointly the compatibility of the balance of EUR 15,81 million awarded as restructuring aid in 2002 with all of the 2006 measures;

— in the alternative, partially annul the decision to the extent that it concludes that the measures at issue constitute State aid incompatible with the common market;

— order the Commission to pay all the costs.

Pleas in law and main arguments

By its application, the applicant seeks the annulment of Commission Decision 2014/882/UE of 20 November 2013 (notified under document C(2013) 7066 final) by which the Commission found that, first, the balance of the restructuring aid, notified by the French authorities on 18 February 2002, in the amount of EUR 15,81 million and, secondly, the three measures implemented by the French authorities in 2006 in favour of the applicant, namely, the disposal of 75 % of the applicant at the negative price of EUR 158 million, the capital increase of EUR 8,75 million subscribed by Compagnie générale maritime et financière and the current account advance of EUR 38,5 million, constitute State aid which is unlawful and incompatible with the internal market. The Commission consequently ordered recovery of those amounts.

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

1. First plea in law, alleging infringement of Articles 108(2) and 266 TFEU, and Article 41 of the Charter of Fundamental Rights of the European Union, in that the Commission refused to extend the formal investigation procedure following the partial annulment of Commission Decision 2009/611/EC of 8 July 2008 ([1]) by the judgment of the Court of 11 September 2012 in Case T-565/08, *Corsica Ferries France* v *Commission* ([2]).

2. Second plea in law, alleging infringement of Article 107 TFEU, infringement of the obligation to state reasons and of the principle of equal treatment, and an error in law and a manifest error of assessment in that the Commission found that the negative sale price constituted State aid.

3. Third plea in law, put forward in the alternative, alleging infringement of the principle of proportionality and a manifest error of assessment, in that the Commission found that the capital contribution of EUR 8,75 million constituted State aid.

4. Fourth plea in law, put forward in the alternative, alleging a manifest error of assessment, in that the Commission found that the measures involving aid to individuals in the sum of EUR 38,5 million constituted State aid.

5. Fifth plea in law, put forward in the alternative, alleging an error in law and a manifest error of assessment, in that the Commission examined jointly the compatibility of the balance of EUR 15,81 million awarded as restructuring aid in 2002 with all of the 2006 measures.

6. Sixth plea in law, put forward in the alternative, alleging manifest errors of assessment and infringement of the obligation to state reasons, in that the Commission declared the restructuring aid awarded in 2002 and 2006 incompatible with the common market.

([1]) Commission Decision 2009/611/EC of 8 July 2008 concerning the measures C 58/02 (ex N 118/02) which France has implemented in favour of the Société Nationale Maritime Corse-Méditerranée (SNCM) (notified under document C(2008) 3182) (OJ 2009 L 225, p. 180).

([2]) Judgment of 11 September 2012 in *Corsica Ferries France* v *Commission*, T-565/08, ECR, EU:T:2012:415.

Order of the General Court of 11 December 2014 — Alban Giacomo v Commission

(Case T-259/12) ([1])

(2015/C 056/41)

Language of the case: Italian

The President of the Third Chamber has ordered that the case be removed from the register.

([1]) OJ C 227, 28.7.2012.

Order of the General Court of 5 December 2014 — Teva Pharma and Teva Pharmaceuticals Europe v EMA

(Case T-547/12) ([1])

(2015/C 056/42)

Language of the case: English

The President of the Sixth Chamber has ordered that the case be removed from the register.

([1]) OJ C 46, 16.2.2013.

Order of the General Court of 9 December 2014 — Makhlouf v Council

(Case T-442/13) ([1])

(2015/C 056/43)

Language of the case: French

The President of the Seventh Chamber has ordered that the case be removed from the register.

([1]) OJ C 325, 9.11.2013.

Order of the General Court of 9 December 2014 — Pfizer v Commission and EMA

(Case T-48/14) ([1])

(2015/C 056/44)

Language of the case: English

The President of the Fourth Chamber has ordered that the case be removed from the register.

([1]) OJ C 78, 15.3.2014.

Order of the General Court of 3 December 2014 — ENISA v Psarras

(Case T-689/14 P) ([1])

(2015/C 056/45)

Language of the case: Greek

The President of the Appeal Chamber has ordered that the case be removed from the register.

([1]) OJ C 431, 1.12.2014.

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