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(2018/C 276/01)

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(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Judgment of the Court (Grand Chamber) of 12 June 2018 (request for a preliminary ruling from the Rechtbank Den Haag — Netherlands) — Christian Louboutin, Christian Louboutin SAS v Van Haren Schoenen BV

(Case C-163/16) ([1])

(Reference for a preliminary ruling — Trade marks — Absolute grounds for refusal or invalidity — Sign consisting exclusively of the shape of the product — Concept of 'shape' — Colour — Position on a part of the product — Directive 2008/95/EC — Article 2 — Article 3(1)(e)(iii))

(2018/C 276/02)

Language of the case: Dutch

Referring court

Rechtbank Den Haag

Parties to the main proceedings

Applicant: Christian Louboutin, Christian Louboutin SAS

Defendant: Van Haren Schoenen BV

Operative part of the judgment

Article 3(1)(e)(iii) of Directive 2008/95/EC of the European Parliament and of the Council of 22 October 2008 to approximate the laws of the Member States relating to trade marks must be interpreted as meaning that a sign consisting of a colour applied to the sole of a high-heeled shoe, such as that at issue in the main proceedings, does not consist exclusively of a 'shape', within the meaning of that provision.

([1]) OJ C 211, 13.6.2016.

Judgment of the Court (Fourth Chamber) of 13 June 2018 — European Commission v Republic of Poland

(Case C-530/16) ([1])

(Failure of a Member State to fulfil obligations — Railway safety — Directive 2004/49/EC — Failure to adopt to provisions necessary to ensure the independence of the investigating body)

(2018/C 276/03)

Language of the case: Polish

Parties

Applicant: European Commission (represented by: W. Mölls and J. Hottiaux, acting as Agents)

Defendant: Republic of Poland (represented by: B. Majczyna and K. Majcher, acting as Agents, and by T. Warchol, ekspert)

Operative part of the judgment

The Court:

1. *Declares that, by failing to adopt the measures necessary to ensure that the investigating body is independent, in terms of its organisation and decision-making, of railway undertakings and rail infrastructure managers controlled by the Minister for Transport, the Republic of Poland has failed to fulfil its obligations under Article 21(1) of Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (Railway Safety Directive).*

2. *Orders the Republic of Poland to pay the costs.*

([1]) OJ C 14, 16.1.2017.

Judgment of the Court (Grand Chamber) of 12 June 2018 (request for a preliminary ruling from the Østre Landsret — Denmark) — A/S Bevola, Jens W. Trock ApS v Skatteministeriet

(Case C-650/16) ([1])

(Reference for a preliminary ruling — Article 49 TFEU — Corporation tax — Freedom of establishment — Resident company — Taxable profits — Tax relief — Deduction of losses incurred by resident permanent establishments — Authorised — Deduction of losses incurred by non-resident permanent establishments — Excluded — Exception — Optional scheme of international joint taxation)

(2018/C 276/04)

Language of the case: Danish

Referring court

Østre Landsret

Parties to the main proceedings

Applicants: A/S Bevola, Jens W. Trock ApS

Defendant: Skatteministeriet

Operative part of the judgment

Article 49 TFEU must be interpreted as precluding legislation of a Member State under which it is not possible for a resident company which has not opted for an international joint taxation scheme, such as that at issue in the main proceedings, to deduct from its taxable profits losses incurred by a permanent establishment in another Member State, where, first, that company has exhausted the possibilities of deducting those losses available under the law of the Member State in which the establishment is situated and, second, it has ceased to receive any income from that establishment, so that there is no longer any possibility of the losses being taken into account in that Member State, which is for the national court to ascertain.

([1]) OJ C 63, 27.2.2017.

Judgment of the Court (Seventh Chamber) of 13 June 2018 (request for a preliminary ruling from the Naczelny Sąd Administracyjny — Poland) — Minister Finansów v Gmina Wrocław

(Case C-665/16) ([1])

(Reference for a preliminary ruling — Value added tax (VAT) — Directive 2006/112/EC — Article 2(1)(a) — Supply of goods for consideration — Article 14(1) — Transfer of the right to dispose of tangible property as owner — Article 14(2)(a) — Transfer of the ownership of property belonging to a municipality to the Public Treasury in return for the payment of compensation for the purposes of the construction of a national road — Concept of 'compensation' — Transaction subject to VAT)

(2018/C 276/05)

Language of the case: Polish

Referring court

Naczelny Sąd Administracyjny

Parties to the main proceedings

Applicant: Minister Finansów

Defendant: Gmina Wrocław

Operative part of the judgment

Article 2(1)(a) and Article 14(2)(a) of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax must be interpreted as meaning that a transfer of ownership of immovable property belonging to a taxable person for value added tax purposes to the Public Treasury of a Member State, carried out in accordance with the law and in return for a payment of compensation, constitutes a transaction subject to VAT in a situation, such as that at issue in the main proceedings, where the same person simultaneously represents the expropriating authority and the municipality that is the subject of the expropriation and where the latter continues the practical management of the relevant property, even if the payment of compensation has been made only by means of an internal accounting transfer within the budget of the municipality.

([1]) OJ C 112, 10.4.2017.

Judgment of the Court (Third Chamber) of 13 June 2018 (request for a preliminary ruling from the Verwaltungsgericht Köln — Germany) — Deutscher Naturschutzring, Dachverband der deutschen Natur- und Umweltschutzverbände eV v Bundesrepublik Deutschland

(Case C-683/16) ([1])

(Reference for a preliminary ruling — Common Fisheries Policy — Regulation (EU) No 1380/2013 — Article 11 — Conservation of marine biological resources — Protection of the environment — Conservation of natural habitats and of wild fauna and flora — Exclusive competence of the European Union)

(2018/C 276/06)

Language of the case: German

Referring court

Verwaltungsgericht Köln

Parties to the main proceedings

Applicant: Deutscher Naturschutzring, Dachverband der deutschen Natur- und Umweltschutzverbände eV

Defendant: Bundesrepublik Deutschland

Operative part of the judgment

1. *Article 11 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC must be interpreted as meaning that it precludes a Member State from adopting, with respect to the waters under their sovereignty or jurisdiction, the measures which are necessary in order for it to meet its obligations under Article 6 of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora and which completely prohibit, in Natura 2000 areas, commercial fishing using gear which touches the sea bed and fixed nets, since such measures affect fishing vessels flying the flag of other Member States.*

2. *Article 11(1) of Regulation No 1380/2013 must be interpreted as meaning that it precludes the adoption, by a Member State, of measures such as those at issue in the main proceedings, with respect to the waters under its sovereignty or its jurisdiction, which are necessary in order for it to meet its obligations deriving from Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage.*

([1]) OJ C 104, 3.4.2017.

Judgment of the Court (Fourth Chamber) of 14 June 2018 (request for a preliminary ruling from the Cour de cassation — France) — Lubrizol France SAS v Caisse nationale du Régime social des indépendants (RSI) participations extérieures

(Case C-39/17) ([1])

(Reference for a preliminary ruling — Free movement of goods — Articles 28 and 30 TFEU — Charges having equivalent effect — Article 110 TFEU — Internal taxation — Social solidarity contribution payable by companies — Charge — Basis of assessment — Companies' overall annual turnover — Directive 2006/112/EC — Article 17 — Transfer of goods to another Member State — Value of the goods transferred — Inclusion in the overall annual turnover)

(2018/C 276/07)

Language of the case: French

Referring court

Cour de cassation

Parties to the main proceedings

Applicant: Lubrizol France SAS

Defendant: Caisse nationale du Régime social des indépendants (RSI) participations extérieures

Operative part of the judgment

Articles 28 and 30 TFEU must be interpreted as not precluding legislation of a Member State which provides that the basis of assessment for contributions levied on the annual turnover of companies, provided that the latter reaches or exceeds a certain amount, is calculated by taking into account the representative value of the goods transferred by or on behalf of a taxable person, for the purposes of his business, from that Member State to another EU Member State, that value being taken into account from the time of that transfer, whereas, in the case where the same goods are transferred by or on behalf of the taxable person, for the purposes of his business, within the territory of the Member State concerned, their value is taken into account in that basis of assessment only at the time of their subsequent sale, on condition that:

— *first, the value of those goods is not taken into account in that basis of assessment for a second time at the time of their subsequent sale in that Member State;*

— *secondly, their value is deducted from that basis of assessment when those goods are not intended to be sold in the other Member State or have been transferred back to the Member State of origin without having been sold, and*

— *thirdly, the advantages stemming from the use of those contributions do not offset in full the burden borne by the national product marketed on the national market when it is placed on the market, this being a matter for the referring court to ascertain.*

(1) OJ C 112, 10.4.2017.

Judgment of the Court (First Chamber) of 14 June 2018 (request for a preliminary ruling from the Tribunal Supremo — Spain) — Asociación Nacional de Productores de Ganado Porcino v Administración del Estado

(Case C-169/17) (1)

(Reference for a preliminary ruling — Articles 34 and 35 TFEU — Free movement of goods — Quantitative restrictions — Measures having equivalent effect — Protection of pigs — Products processed or marketed in Spain — Quality standards for meat, ham, shoulder ham and loin derived from Iberian pigs — Conditions for using the 'de cebo' designation — Improvement of the quality of products — Directive 2008/120/EC — Scope)

(2018/C 276/08)

Language of the case: Spanish

Referring court

Tribunal Supremo

Parties to the main proceedings

Applicant: Asociación Nacional de Productores de Ganado Porcino

Defendant: Administración del Estado

Operative part of the judgment

1. *Articles 34 and 35 TFEU must be interpreted as follows:*

   — *Article 34 TFEU does not preclude national legislation, such as that at issue in the main proceedings, which provides that the sales designation 'ibérico de cebo' may be granted only to products that comply with certain conditions imposed by that legislation, since that legislation permits the importation and marketing of products from Member States other than the State that adopted the legislation at issue, under the designations they bear pursuant to the rules of the Member State of origin, even if they are similar, comparable or identical to the designations provided for in the national legislation at issue in the main proceedings.*

   — *Article 35 TFEU does not preclude national legislation such as that at issue in the main proceedings.*

2. *Article 3(1)(a) of Council Directive 2008/120/EC of 18 December 2008 laying down minimum standards for the protection of pigs, read in conjunction with Article 12 of that directive, must be interpreted as not precluding national legislation, such as that at issue in the main proceedings, providing that the use of certain sales designations for Iberian pig products processed or marketed in Spain is subject to producers complying with conditions for the rearing of Iberian pigs that are more stringent than those laid down in Article 3(1)(a) as well as a condition imposing a minimum slaughter age of 10 months.*

([1]) OJ C 195, 19.6.2017.

Judgment of the Court (Tenth Chamber) of 14 June 2018 — Lubrizol France SAS v Council of the European Union, European Commission

(Case C-223/17 P) ([1])

(Appeal — Common Customs Tariff — Autonomous customs duties on certain agricultural and industrial products — Applications for tariff suspensions — Regulation (EU) No 1344/2011 — Tariff suspensions granted — Objection — Regulation (EU) No 1387/2013 — Termination of the suspensions at issue — Comparable products available in sufficient quantities on the Union market)

(2018/C 276/09)

Language of the case: English

Parties

Appellant: Lubrizol France SAS (represented by: R. MacLean, Solicitor, and by A. Bochon, lawyer)

Other parties to the proceedings: Council of the European Union (represented by: M. Balta and by F. Florindo Gijón, acting as Agents), European Commission (represented by: A. Lewis and A. Caeiros, acting as Agents)

Operative part of the judgment

The Court:

1. *Dismisses the appeal;*

2. *Orders Lubrizol France SAS to bear its own costs and to pay those incurred by the Council of the European Union;*

3. *Orders the European Commission to bear its own costs.*

([1]) OJ C 221, 10.7.2017.

Judgment of the Court (Seventh Chamber) of 13 June 2018 (request for a preliminary ruling from the Naczelny Sąd Administracyjny — Poland) — SZEF Krajowej Administracji Skarbowej v Polfarmex Spółka Akcyjna w Kutnie

(Case C-421/17) ([1])

(Reference for a preliminary ruling — Taxation — Common system of value added tax (VAT) — Directive 2006/112/EC — Article 2(1)(a) — Scope — Taxable transactions — Supply of goods for consideration — Transfer, by a public limited company of a building to a shareholder as the counterpart to the buy-back of its shares)

(2018/C 276/10)

Language of the case: Polish

Referring court

Naczelny Sąd Administracyjny

Parties to the main proceedings

Applicant: SZEF Krajowej Administracji Skarbowej

Defendant: Polfarmex Spółka Akcyjna w Kutnie

Operative part of the judgment

Article 2(1)(a) of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax must be interpreted as meaning that the transfer by a limited company to one of its shareholders of the ownership of immovable property, made, as is the one at issue in the main proceedings, as consideration for the buy-back, by that limited company, under a mechanism for the redemption of shares provided for in national legislation, of shares held in its share capital by that shareholder, constitutes a supply of goods for consideration subject to VAT provided that that immovable property is used in the economic activity of that limited company.

([1]) OJ C 357, 23.10.2017.

Judgment of the Court (Eighth Chamber) of 14 June 2018 — Rami Makhlouf v Council of the European Union, European Commission

(Case C-458/17 P) ([1])

(Appeal — Common foreign and security policy — Restrictive measures taken against the Syrian Arab Republic — Measures directed against influential businessmen and women engaged in activities in Syria and against influential members of the Assad and Makhlouf families — Rights of defence — Proof that inclusion on the lists is well founded)

(2018/C 276/11)

Language of the case: French

Parties

Appellant: Rami Makhlouf (represented by: E. Ruchat, avocat)

Other parties to the proceedings: Council of the European Union (represented by: V. Piessevaux and S. Kyriakopoulou, acting as Agents), European Commission (represented by: L. Havas and R. Tricot. acting as Agents)

Operative part of the judgment

The Court:

1. *Dismisses the appeal;*

2. *Orders Mr Rami Makhlouf to bear his own costs and to pay those incurred by the Council of the European Union and the European Commission.*

(1) OJ C 309, 18.9.2017.

Order of the Court (Eighth Chamber) of 7 June 2018 (request for a preliminary ruling from the Landesverwaltungsgericht Oberösterreich — Austria) — Mario Alexander Filippi and Others

(Case C-589/16) (1)

(Reference for a preliminary ruling — Articles 53(2) and 94 of the Rules of Procedure of the Court of Justice — Insufficient information regarding the factual and regulatory context of the dispute in the main proceedings and the reasons justifying the need for an answer to the questions referred for a preliminary ruling — Manifest inadmissibility)

(2018/C 276/12)

Language of the case: German

Referring court

Landesverwaltungsgericht Oberösterreich

Parties to the main proceedings

Appellants: Mario Alexander Filippi, Martin Manigatterer, Play For Me GmbH, ATG GmbH, Christian Vöcklinger, Gmalieva s. r.o., PBW GmbH, Felicitas GmbH, Celik KG, Christian Guzy, Martin Klein, Shopping Center Wels Einkaufszentrum GmbH, Game Zone Entertainment AG, Fortuna Advisory Kft., Finanzamt Linz, Klara Matyiko

Other parties to the proceedings: Landespolizeidirektion Oberösterreich, Bezirkshauptmann von Eferding, Bezirkshauptmann von Ried im Innkreis, Bezirkshauptmann von Linz-Land

Operative part of the order

The request for a preliminary ruling made by the Landesverwaltungsgericht Oberösterreich (Regional Administrative Court, Upper Austria, Austria), by decision of 16 November 2016, is manifestly inadmissible.

(1) OJ C 38, 6.2.2017.

Order of the Court (Tenth Chamber) of 17 May 2018 — JYSK sp. z o.o. v European Commission

(Case C-402/17 P) (1)

(Appeal — Article 181 of the Rules of Procedure of the Court of Justice — Refusal to grant a financial contribution from the European Regional Development Fund (ERDF) to the major project 'European Shared Services Centre' — Action for annulment — Undertaking responsible for project implementation — Conditions of admissibility — Lack of direct concern)

(2018/C 276/13)

Language of the case: English

Parties

Appellant: JYSK sp. z o.o. (represented by: H. Sønderby Christensen, advokat)

Other party to the proceedings: European Commission (represented by: R. Lyal and B.-R. Killmann, acting as Agents)

Operative part of the order

1. *The appeal is dismissed as manifestly inadmissible.*

2. *JYSK sp. z o.o. shall pay the costs.*

(1) OJ C 309, 18.9.2017.

Order of the Court (Sixth Chamber) of 30 May 2018 (request for a preliminary ruling from the Administrativen sad Veliko Tarnovo — Bulgaria) — Nikolay Yanchev v Direktor na Direktsia 'Obzhalvane i danachno-osiguritelna praktika' Veliko Tarnovo pri Tsentralno upravlenie na Natsionalnata agentsia za prihodite

(Case C-481/17) (1)

(Reference for a preliminary ruling — Article 99 of the Rules of Procedure of the Court of Justice — Aid scheme authorised by the European Commission — Investment aid in the agricultural sector — Tax exemption — Tax relief on corporation tax — Conditions — Refusal to grant individual aid under that aid scheme)

(2018/C 276/14)

Language of the case: Bulgarian

Referring court

Administrativen sad Veliko Tarnovo

Parties to the main proceedings

Applicant: Nikolay Yanchev

Defendant: Direktor na Direktsia 'Obzhalvane i danachno-osiguritelna praktika' Veliko Tarnovo pri Tsentralno upravlenie na Natsionalnata agentsia za prihodite

Operative part of the order

Decision C(2011) 863 final of the Commission of 11 February 2011, concerning the award of State aid pursuant to Articles 107 TFEU and 108 TFEU and authorising State aid No 546/2010 of the Republic of Bulgaria for investment in agricultural holdings in the form of corporation tax relief, must be interpreted as not precluding that Member State from refusing the award of State aid under that scheme on the ground that the applicant does not meet a condition, laid down in national law, according to which no aid can be awarded to a taxpayer who has debts towards the State, notwithstanding the fact that that decision does not expressly lay down such a condition.

(1) OJ C 369, 30.10.2017.

Order of the Court (Seventh Chamber) of 30 May 2018 (request for a preliminary ruling from the juge de paix du premier canton de Schaerbeek — Belgium) — Société nationale des chemins de fer belges (SNCB) v Gherasim Sorin Rusu

(Case C-190/18) ([1])

(Reference for a preliminary ruling — Article 53(2) and Article 94 of the Rules of Procedure of the Court of Justice — Insufficient information as to the factual and regulatory context of the dispute in the main proceedings and lack of grounds justifying the need for an answer to the questions referred — Manifest inadmissibility)

(2018/C 276/15)

Language of the case: French

Referring court

Juge de paix du premier canton de Schaerbeek

Parties to the main proceedings

Applicant: Société nationale des chemins de fer belges (SNCB)

Defendant: Gherasim Sorin Rusu

Operative part of the order

The request for a preliminary ruling made by the juge de paix du premier canton de Schaerbeek (Belgium), by decision of 20 February 2018, is manifestly inadmissible.

([1]) OJ C 166, 14.5.2018.

Request for a preliminary ruling from the Commissione Tributaria Regionale per la Campania (Italy) lodged on 1 March 2018 — Idroenergia Scrl v Agenzia delle dogane e dei Monopoli — Ufficio delle Dogane di Caserta

(Case C-166/18)

(2018/C 276/16)

Language of the case: Italian

Referring court

Commissione Tributaria Regionale per la Campania

Parties to the main proceedings

Applicant: Idroenergia Scrl

Defendant: Agenzia delle dogane e dei Monopoli — Ufficio delle Dogane di Caserta

By order of 21 June 2018, the Court of Justice (Sixth Chamber) declared the request for a preliminary ruling submitted by the Commissione Tributaria Regionale per la Campania (Italy) to be manifestly inadmissible.

Request for a preliminary ruling from the Hoge Raad der Nederlanden (Netherlands) lodged on 11 April 2018 — Staatssecretaris van Financiën, Other party: CEVA Freight Holland B.V.

(Case C-249/18)

(2018/C 276/17)

Language of the case: Dutch

Referring court

Hoge Raad der Nederlanden

Parties to the main proceedings

Applicant: Staatssecretaris van Financiën

Other party: CEVA Freight Holland B.V.

Questions referred

1. Must Article 78 of Council Regulation (EEC) No 2913/92 ([1]) establishing the Community Customs Code be interpreted as meaning that a declarant, in the context of a subsequent entry in the accounts with reference to the second subparagraph of Article 147(1) of Commission Regulation (EEC) No 2454/93 ([2]) laying down provisions for the implementation of Council Regulation No 2913/92, can choose another, lower transaction price of imported goods with a view to reducing the customs debt?

2. (a) Is the determination of the time at which communication to the debtor took place, in the context of the application of Article 221(3) of Regulation (EEC) No 2913/92, a question of EU law?

   (b) If Question 2(a) is answered in the affirmative, must Article 221(3) of Regulation (EEC) No 2913/92 be interpreted as meaning that the communication to the debtor referred to in that provision must have been received within the three-year period after a customs debt was incurred, or is it sufficient that that communication was sent to the debtor within that period?

([1]) Regulation of 12 October 1992 (OJ 1992 L 302, p. 1).
([2]) Regulation of 2 July 1993 (OJ 1993 L 253, p. 1).

Request for a preliminary ruling from the Rechtbank Noord-Holland (Netherlands) lodged on 12 April 2018 — Trace Sport v Inspecteur van de Belastingdienst/Douane, kantoor Eindhoven

(Case C-251/18)

(2018/C 276/18)

Language of the case: Dutch

Referring court

Rechtbank Noord-Holland

Parties to the main proceedings

Applicant: Trace Sport

Defendant: Inspecteur van de Belastingdienst/Douane, kantoor Eindhoven

Questions referred

1. Is Implementing Regulation No 501/2013 ([1]) valid in so far as it concerns the producer/exporter Kelani Cycles?

2. Is Implementing Regulation No 501/2013 valid in so far as it concerns the producer/exporter Creative Cycles?

(1) Council Implementing Regulation (EU) No 501/2013 of 29 May 2013 extending the definitive anti-dumping duty imposed by Implementing Regulation (EU) No 990/2011 on imports of bicycles originating in the People's Republic of China to imports of bicycles consigned from Indonesia, Malaysia, Sri Lanka and Tunisia, whether declared as originating in Indonesia, Malaysia, Sri Lanka and Tunisia or not (OJ 2013 L 153, p. 1).

Request for a preliminary ruling from the Centrale Raad van Beroep (Netherlands) lodged on 13 April 2018 — M. Güler v Raad van bestuur van het Uitvoeringsinstituut werknemersverzekeringen

(Case C-257/18)

(2018/C 276/19)

Language of the case: Dutch

Referring court

Centrale Raad van Beroep

Parties to the main proceedings

Applicant: M. Güler

Defendant: Raad van bestuur van het Uitvoeringsinstituut werknemersverzekeringen

Questions referred

1. Can a Turkish national who is duly registered as belonging to the labour force of a Member State, has obtained the nationality of that Member State without renouncing his Turkish nationality and subsequently voluntarily renounced the nationality of that Member State and thus Union citizenship rely on Article 6 of Decision 3/80 (1) to avoid the residence requirement under the TW? (2)

2. If so, at what point must that Turkish national satisfy the requirement that he is not a Union citizen in order to derive rights from Article 6 of Decision 3/80: right from the time he leaves the host Member State or only later, when the benefit to be exported is payable in the foreign country?

3. Is Article 6(1) of Decision 3/80 to be construed as meaning that a Turkish national who still held the nationality of a Member State at the time of remigration to Turkey but later voluntarily renounced that nationality, from that latter point onwards may not be denied the right to a special benefit not based on non-contributory payments designed to guarantee an income to the amount of the guaranteed minimum income in the Member State concerned, solely because he is resident in Turkey, even if, until the time of departure from the Member State concerned, he was not eligible for that special benefit since the award conditions had not then be satisfied?

(1) Decision No 3/80 of the Association Council of 19 September 1980 on the application of the social security schemes of the Member States of the European Communities to Turkish workers and members of their families (OJ 1983 C 110, p. 60).

(2) Wet van 6 november 1986, houdende verlening van toeslagen tot het relevante sociaal minimum aan uitkeringsgerechtigden op grond van de Werkloosheidswet, de Ziektewet, de Algemene Arbeidsongeschiktheidswet, de Wet op de arbeidsongeschiktheidsverzekering en de Wet arbeidsongeschiktheidsvoorziening militairen (toeslagenwet) (Law of 6 November 1986 on the award of supplements to the relevant social minimum to persons entitled to benefits under the Law on unemployment, the Law on sicknes, the general Law on incapacity for work, the Law on insurance against incapacity for work, and the Law on incapacity for work of members of the armed forces).

Request for a preliminary ruling from the Centrale Raad van Beroep (Netherlands) lodged on 13 April 2018 — H. Solak v Raad van bestuur van het Uitvoeringsinstituut werknemersverzekeringen

(Case C-258/18)

(2018/C 276/20)

Language of the case: Dutch

Referring court

Centrale Raad van Beroep

Parties to the main proceedings

Applicant: H. Solak

Defendant: Raad van bestuur van het Uitvoeringsinstituut werknemersverzekeringen

Questions referred

1. Can a Turkish national who is duly registered as belonging to the labour force of a Member State, has obtained the nationality of that Member State without renouncing his Turkish nationality and subsequently voluntarily renounced the nationality of that Member State and thus Union citizenship rely on Article 6 of Decision 3/80 ([1]) to avoid a residence requirement in national social security legislation which can, however, be imposed on Union citizens?

2. Is Article 6(1) of Decision 3/80, with due regard to Article 59 of the Additional Protocol, to be construed as meaning that it precludes a statutory regulation of a Member State such as Article 4a of the TW, ([2]) on the basis of which an awarded supplementary benefit is withdrawn if the recipient moves to Turkey, even if that recipient has left the territory of the Member State on his own initiative after voluntarily renouncing the nationality of a Member State and whilst it has not been found that he is no longer duly registered as belonging to the labour force of that Member State?

([1]) Decision No 3/80 of the Association Council of 19 September 1980 on the application of the social security schemes of the Member States of the European Communities to Turkish workers and members of their families (OJ 1983 C 110, p. 60).

([2]) Wet van 6 november 1986, houdende verlening van toeslagen tot het relevante sociaal minimum aan uitkeringsgerechtigden op grond van de Werkloosheidswet, de Ziektewet, de Algemene Arbeidsongeschiktheidswet, de Wet op de arbeidsongeschiktheidsverzekering en de Wet arbeidsongeschiktheidsvoorziening militairen (toeslagenwet) (Law of 6 November 1986 on the award of supplements to the relevant social minimum to persons entitled to benefits under the Law on unemployment, the Law on sickness, the general Law on incapacity for work, the Law on insurance against incapacity for work, and the Law on incapacity for work of members of the armed forces).

Request for a preliminary ruling from the Rechtbank Den Haag (Netherlands) lodged on 16 April 2018 — Nederlands Uitgeversverbond, Groep Algemene Uitgevers v Tom Kabinet Internet BV, Tom Kabinet Holding BV, Tom Kabinet Uitgeverij BV

(Case C-263/18)

(2018/C 276/21)

Language of the case: Dutch

Referring court

Rechtbank Den Haag

Parties to the main proceedings

Applicants: Nederlands Uitgeversverbond, Groep Algemene Uitgevers

Defendants: Tom Kabinet Internet BV, Tom Kabinet Holding BV, Tom Kabinet Uitgeverij BV

Questions referred

1. Is Article 4(1) of the Copyright Directive ([1]) to be construed as meaning that 'any form of distribution to the public by sale or otherwise of the original of their works or copies thereof' as referred to therein includes making available remotely by downloading, for use for an unlimited period, e-books (being digital copies of books protected by copyright) at a price by means of which the copyright holder receives remuneration equivalent to the economic value of the work belonging to him?

2. If question 1 is to be answered in the affirmative, is the distribution right with regard to the original or copies of a work as referred to in Article 4(2) of the Copyright Directive exhausted in the Union, when the first sale or other transfer of that material, which includes making available remotely by downloading, for use for an unlimited period, e-books (being digital copies of books protected by copyright) at a price by means of which the copyright holder receives remuneration equivalent to the economic value of the work belonging to him, takes place in the Union through the rightholder or with his consent?

3. Is Article 2 of the Copyright Directive to be construed as meaning that a transfer between successive acquirers of a lawfully acquired copy in respect of which the distribution right has been exhausted, constitutes consent to the acts of reproduction referred to therein, in so far as those acts of reproduction are necessary for the lawful use of that copy and, if so, which conditions apply?

4. Is Article 5 of the Copyright Directive to be construed as meaning that the copyright holder may no longer oppose the acts of reproduction necessary for a transfer between successive acquirers of the lawfully acquired copy in respect of which the distribution right has been exhausted and, if so, which conditions apply?

([1]) Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (OJ 2001 L 167, p. 10).

Request for a preliminary ruling from the Grondwettelijk Hof (Belgium) lodged on 13 April 2018 — P. M., N. G.d.M., P. V.d.S. v Ministerraad

(Case C-264/18)

(2018/C 276/22)

Language of the case: Dutch

Referring court

Grondwettelijk Hof

Parties to the main proceedings

Applicants: P. M., N. G.d.M., P. V.d.S.

Defendant: Ministerraad

Question referred

Is Article 10(c) and (d)(i), (ii) and (v) of Directive 2014/24/EU ([1]) of the European Parliament and of the Council of 26 February 2014 'on public procurement and repealing Directive 2004/18/EC' compatible with the principle of equal treatment, whether or not read in conjunction with the principle of subsidiarity and with Articles 49 and 56 of the Treaty on the Functioning of the European Union, since the services mentioned therein are excluded from the application of the procurement rules in the aforementioned Directive which nevertheless guarantee full competition and free movement in the procurement of services by public authorities?

([1]) OJ 2014 L 94, p. 65.

Request for a preliminary ruling from the Lietuvos vyriausiasis administracinis teismas (Lithuania) lodged on 17 April 2018 — Valstybinė mokesčių inspekcija prie Lietuvos Respublikos finansų ministerijos v Akvilė Jarmuškienė

(Case C-265/18)

(2018/C 276/23)

Language of the case: Lithuanian

Referring court

Lietuvos vyriausiasis administracinis teismas

Parties to the main proceedings

Appellant: Valstybinė mokesčių inspekcija prie Lietuvos Respublikos finansų ministerijos

Respondent: Akvilė Jarmuškienė

Interested third party: Vilniaus apskrities valstybinė mokesčių inspekcija prie Lietuvos Respublikos finansų ministerijos

Question referred

Must Articles 282 to 292 of Council Directive 2006/112/EC ([1]) of 28 November 2006 on the common system of value added tax be interpreted as meaning that in circumstances, such as those in the present case, where two goods are supplied by means of the same transaction but the annual turnover limit (the volume of activity) laid down in Article 287 of Directive 2006/112/EC (and in the corresponding provision of national legislation) is exceeded only on account of the supply of one of those goods, the taxable person (the supplier) is obliged, inter alia, to calculate and pay value added tax (1) on the entire value of the transaction (on the value of the supply of both goods) or (2) only on the part of the transaction whereby the aforesaid limit (volume of activity) is exceeded (on the value of the supply of one of the goods)?

([1]) OJ 2006 L 347, p. 1.

Request for a preliminary ruling from the Raad van State (Netherlands) lodged on 19 April 2018 — Staatssecretaris van Veiligheid en Justitie, J, S; other parties: C, Staatssecretaris van Veiligheid en Justitie

(Case C-269/18)

(2018/C 276/24)

Language of the case: Dutch

Referring court

Raad van State

Parties to the main proceedings

Appellants: Staatssecretaris van Veiligheid en Justitie, J, S

Other parties: C, Staatssecretaris van Veiligheid en Justitie

Questions referred

1. In the case where a determining authority has rejected an application for international protection as being manifestly unfounded within the meaning of Article 46(6)(a) of Directive 2013/32/EU ([1]) of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast) and the appeal brought against that rejection before a court under national law does not have automatic suspensive effect, must Article 46(8) of that directive then be interpreted as meaning that the mere lodging of an application for interim relief results in the applicant's stay on the territory of the Member State no longer being illegal within the meaning of Article 3 of Directive 2008/115/EC ([2]) of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals and that he therefore comes within the scope of Directive 2013/33/EU ([3]) of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast)?

2. Is it material to the answer to Question 1 that national law — having regard to the principle of non-refoulement — provides that an applicant will not be removed before a court has, on request, ruled that the outcome of the appeal against the decision refusing international protection cannot be awaited?

([1]) OJ 2013 L 180, p. 60.
([2]) OJ 2008 L 348, p. 98.
([3]) OJ 2013 L 180, p. 96.

Request for a preliminary ruling from the Lietuvos Aukščiausiasis Teismas (Lithuania) lodged on 25 April 2018 — *Kauno miesto savivaldybė, Kauno miesto savivaldybės administracija*

(Case C-285/18)

(2018/C 276/25)

Language of the case: Lithuanian

Referring court

Lietuvos Aukščiausiasis Teismas

Parties to the main proceedings

Appellants: Kauno miesto savivaldybė, Kauno miesto savivaldybės administracija

Other parties: UAB Irgita, UAB Kauno švara

Questions referred

1. Given the circumstances in the case under consideration, does the in-house transaction come within the scope of application of Directive 2004/18 ([1]) or of Directive 2014/24, ([2]) when the procedures for the conclusion of the disputed in-house transaction, inter alia, the administrative procedures, were initiated at a time when Directive 2004/18 was still in force but the contract itself was concluded on 19 May 2016, when Directive 2004/18 was no longer in force?

2. Assuming that the in-house transaction comes within the scope of application of Directive 2004/18:

   a) Must Article 1(2)(a) of the Directive (but not limited thereto), taking into account the judgments of the Court of Justice in *Teckal* (C-107/98), *Jean Auroux and Others* (C-220/05), *ANAV* (C-410/04), and other cases, be understood and interpreted as meaning that the notion of an 'in-house transaction' comes within the scope of EU law, and that the content and application of that notion are not affected by the national law of Member States, inter alia, by limitations on the conclusion of such transactions, for example, the condition that public procurement contracts cannot ensure the quality, availability and continuity of the services to be provided?

   b) If the answer to the previous question is in the negative, that is to say, the notion of an 'in-house transaction' comes, either partially or fully, within the scope of the law of the Member States, should the abovementioned provision of Directive 2004/18 be interpreted as meaning that Member States have a discretion to establish limitations or additional conditions for the conclusion of in-house transactions (in comparison with EU law and the case-law of the Court of Justice interpreting that law) but can implement that discretion only by means of specific and clear positive legal provisions governing public procurement?

3. On the assumption that the in-house transaction comes within the scope of application of Directive 2014/24:

   a) Must the provisions of Article 1(4) and Article 12 of the Directive and those of Article 36 of the Charter, either together or separately (but not limited thereto), taking into account the judgments of the Court of Justice in *Teckal* (C-107/98), *Jean Auroux and Others* (C-220/05), *ANAV* (C-410/04), and other cases, be understood and interpreted as meaning that the notion of an 'in-house transaction' comes within the scope of EU law, and that the content and application of that notion are not affected by the national law of Member States, inter alia, by limitations on the conclusion of such transactions, for example, the condition that public procurement contracts cannot ensure the quality, availability and continuity of the services to be provided?

   b) If the answer to the previous question is in the negative, that is to say, the notion of an 'in-house transaction', either partially or fully, comes within the scope of the law of the Member States, should the provisions of Article 12 of Directive 2014/24 be interpreted as meaning that Member States have a discretion to establish limitations or additional conditions for the conclusion of in-house transactions (in comparison with EU law and the case-law of the Court of Justice interpreting that law) but can implement that discretion only by means of specific and clear positive legal provisions governing public procurement?

4. Irrespective of which directive covers the disputed in-house transaction, should the principles of the equality and non-discrimination of public procurement suppliers and transparency (Article 2 of Directive 2004/18 and Article 18 of Directive 2014/24), the general prohibition of discrimination on grounds of nationality (Article 18 TFEU), the freedom of establishment (Article 49 TFEU), the freedom to provide services (Article 56 TFEU), the possibility of granting undertakings exclusive rights (Article 106 TFEU), and the case-law of the Court of Justice (judgments in *Teckal*, *ANAV*, *Sea*, *Undis Servizi*, and in other cases) be understood and interpreted as meaning that an in-house transaction being concluded by a contracting authority and by an entity legally separate from that contracting authority, where the contracting authority exercises control over that entity similar to that which it exercises over its own departments and the activity of that entity consists mainly of an activity carried out for the benefit of the contracting authority, is in itself lawful, inter alia, does not infringe the right of other economic operators to fair competition, does not discriminate against those other operators, and no privileges are conferred on the controlled entity which concluded the in-house transaction?

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

([2]) Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ 2014 L 94, p. 65).

Request for a preliminary ruling from the Hoge Raad der Nederlanden (Netherlands) lodged on 25 April 2018 — X BV v Staatssecretaris van Financiën

(Case C-288/18)

(2018/C 276/26)

Language of the case: Dutch

Referring court

Hoge Raad der Nederlanden

Parties to the main proceedings

Applicant: X BV

Defendant: Staatssecretaris van Financiën

Question referred

Must subheadings 8528 51 00 and 8528 59 40 of the Combined Nomenclature (text from 1 January 2007 to 25 October 2013) be interpreted as meaning that flat panel displays, with a screen of the liquid crystal display (LCD) technology, designed and manufactured for displaying data from an automatic data-processing machine and from other composite video signals from other sources, regardless of the other objective characteristics and properties of the specific monitor, must be classified under subheading 8528 59 40 of the CN if, because of their size, weight and functionality, they are not suitable to be viewed close up? Does it matter in that regard whether the user (the reader) of the screen and the person who processes and/or enters data in the automatic data-processing machine are one and the same?

Request for a preliminary ruling from the Arbeitsgericht Cottbus — Kammern Senftenberg (Germany) lodged on 2 May 2018 — Reiner Grafe and Jürgen Pohle v Südbrandenburger Nahverkehrs GmbH, OSL Bus GmbH

(Case C-298/18)

(2018/C 276/27)

Language of the case: German

Referring court

Arbeitsgericht Cottbus — Kammern Senftenberg

Parties to the main proceedings

Applicants: Reiner Grafe, Jürgen Pohle

Defendants: Südbrandenburger Nahverkehrs GmbH, OSL Bus GmbH

Questions referred

1. Is a transfer of the operation of bus routes from one bus undertaking to another as a consequence of a tendering procedure under Directive 92/50/EEC on public service contracts ([1]) to be regarded as a transfer of a business within the meaning of Article 1(1) of Directive 77/187/EEC, ([2]) even if no significant assets, in particular no buses, have been transferred between the two undertakings?

2. Does the assumption that, on the basis of a reasonable commercial decision, buses are no longer of major importance for the value of the business in the case of a temporary award of services owing to their age and more stringent technical requirements (emission values, low-floor vehicles) provide justification for the Court of Justice of the European Union to derogate from its decision of 25 January 2001 (C–172/99) to the effect that, under such circumstances, the taking over of a significant proportion of the staff can also result in Directive 77/187/EEC being applicable?

([1]) Council Directive 92/50/EEC of 18 June 1992 relating to the coordination of procedures for the award of public service contracts (OJ 1992 L 209, p. 1).

([2]) Council Directive 77/187/EEC of 14 February 1977 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of businesses (OJ 1977 L 61, p. 26).

Request for a preliminary ruling from the Raad voor Vreemdelingenbetwistingen (Belgium) lodged on 4 May 2018 — X v Belgische Staat

(Case C-302/18)

(2018/C 276/28)

Language of the case: Dutch

Referring court

Raad voor Vreemdelingenbetwistingen

Parties to the main proceedings

Applicant: X

Defendant: Belgische Staat

Questions referred

1. Should Article 5(1)(a) of Directive 2003/109/EC, ([1]) which provides (inter alia) that, in order to acquire long-term resident status, third-country nationals must prove that they 'have', for themselves and for dependent family members, stable and regular resources which are sufficient to maintain himself/herself and the members of his/her family, without recourse to the social assistance system of the Member State concerned, be interpreted as meaning that it is only the third-country national's 'own resources' that are concerned?

2. If not, is it sufficient for those resources to be at the disposal of a third-country national, without any requirement regarding the origin of those resources being imposed, so that those resources can be made available to the third-country national also by a family member or by another third-country national?

3. If the last question is answered in the affirmative, is it sufficient that a commitment of cost bearing is entered into by a third-country national whereby that third-country national undertakes to ensure that the applicant for long-term resident status 'has, for himself/herself and for his/her dependent family members, stable, regular and sufficient resources to maintain himself/herself and the members of his/her family to avoid becoming a burden for the State' in order to prove that the applicant has resources within the meaning of Article 5(1)(a) of Directive 2003/109/EC?

([1]) Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents (OJ 2004 L 16, p. 44).

Request for a preliminary ruling from the Rechtbank Amsterdam (Netherlands) lodged on 8 May 2018 — Openbaar Ministerie v SF

(Case C-314/18)

(2018/C 276/29)

Language of the case: Dutch

Referring court

Rechtbank Amsterdam

Parties to the main proceedings

Applicant: Openbaar Ministerie

Defendant: SF

Questions referred

1. Must Articles 1(3) and 5(3) of Framework Decision 2002/584/JHA ([1]) and Articles 1(a) and (b), 3(3) and (4) and 25 of Framework Decision 2008/909/JHA ([2]) be interpreted as meaning that the issuing Member State, in its capacity as issuing State,

   in a case in which the executing Member State has made the surrender of one of its own nationals for the purpose of prosecution subject to the guarantee set out in Article 5(3) of Framework Decision 2002/584/JHA, providing that the person concerned, after being heard, is to be returned to the executing Member State in order to serve there the custodial sentence or detention order passed against him in the issuing Member State,

   is in fact required — after the conviction involving a custodial sentence or detention order has become legally enforceable — to return the person concerned only once 'any other proceedings in respect of the offence for which extradition was sought' — such as confiscation proceedings — 'are concluded'?

2. Must Article 25 of Framework Decision 2008/909/JHA be interpreted as meaning that a Member State, when it has surrendered one of its own nationals on the basis of the guarantee referred to in Article 5(3) of Framework Decision 2002/584/JHA, may, in its capacity as the executing State for the recognition and execution of the judgment delivered against that person — in derogation from Article 8(2) of Framework Decision 2008/909/JHA — consider whether the custodial sentence imposed on that person corresponds to the sentence which it would itself have imposed for the offence concerned and, if necessary, may adjust that imposed custodial sentence accordingly?

([1]) Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States — Statements made by certain Member States on the adoption of the Framework Decision (OJ 2002 L 190, p. 1).

([2]) Council Framework Decision of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union (OJ 2008 L 327, p. 27).

Request for a preliminary ruling from the Augstākā tiesa (Supreme Court, Latvia) lodged on 17 May 2018 — Valsts ieņēmumu dienests v SIA Altic

(Case C-329/18)

(2018/C 276/30)

Language of the case: Latvian

Referring court

Augstākā tiesa

Parties to the main proceedings

Appellant: Valsts ieņēmumu dienests

Other party to the appeal proceedings: SIA Altic

Questions referred

1. Having regard to the aim of ensuring food safety established in Regulation (EC) No 178/2002 ([1]) (which is achieved, amongst other means, by ensuring food traceability), should Article 168(a) of Directive [2006/112/EC] ([2]) be interpreted as not precluding a refusal to allow deduction of input tax where the taxable person involved in the food chain, in choosing his co-contractor, has failed to demonstrate greater diligence (beyond normal commercial practice) entailing, in essence, a requirement to carry out checks on his co-contractor, but where he has at the same time verified the quality of the foodstuffs, thus meeting the aim of Regulation (EC) No 178/2002?

2. Does the requirement in Article 6 of Regulation No 852/2004 ([3]) and in Article 31 of Regulation No 882/2004 ([4]) concerning regulation of a food business, as interpreted in the light of Article 168(a) of Directive 2006/112/EC, require a party that contracts with that business to check that the business is registered, and is that check relevant for the purposes of determining whether that party knew or should have known that it was taking part in a transaction with a fictitious undertaking, having regard to the particular characteristics of the transaction in question?

([1]) Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ 2002 L 31, p. 1).
([2]) Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ 2006 L 347, p. 1).
([3]) Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs (OJ 2004 L 139, p. 1).
([4]) Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (OJ 2004 L 165, p. 1).

Request for a preliminary ruling from the Sofiyski gradski sad (Bulgaria) lodged on 23 May 2018 — Criminal proceedings against AK

(Case C-335/18)

(2018/C 276/31)

Language of the case: Bulgarian

Referring court

Sofiyski gradski sad

Party to the main proceedings

AK

Questions referred

1. Is Article 4(2) of Regulation No 1889/2005 ([1]) of the European Parliament and of the Council to be interpreted as meaning that it permits national legislation which, in the case of a sum of money which, having been carried across the external border of the European Union, has not been duly declared and has been seized, provides for the automatic confiscation of that sum on the sole ground of the failure to declare it, even though confiscation is not necessary for the purposes of establishing the origin of that sum?

2. Is Article 9(1) of Regulation No 1889/2005 of the European Parliament and of the Council to be interpreted as meaning that it permits national legislation which, for the offence referred to in the first question, provides not only for the penalty of a term of imprisonment of up to five years or a fine in the amount of one fifth of the value of the object of the criminal offence but also for mandatory confiscation of the object of the criminal offence without consideration of the origin of the undeclared sum?

(1) Regulation (EC) No 1889/2005 of the European Parliament and of the Council of 26 October 2005 on controls of cash entering or leaving the Community (OJ 2005 L 309, p. 9).

Request for a preliminary ruling from the Apelativen sad Sofia (Bulgaria) lodged on 23 May 2018 — Criminal proceedings against EP

(Case C-336/18)

(2018/C 276/32)

Language of the case: Bulgarian

Referring court

Apelativen sad Sofia

Party to the main proceedings

EP

Questions referred

1. Is Article 4(2) of Regulation No 1889/2005 (1) of the European Parliament and of the Council, according to which an undeclared sum of money may be detained in accordance with national law, to be interpreted as meaning that it permits the automatic confiscation of that sum as a consequence of non-declaration, without any review as to the origin of the sum in question, or is it to be interpreted as meaning that it permits only the temporary seizure of that sum until such time as its origin is reviewed by the competent national authority? Is Article 251(2) of the Nakazatelen kodeks (Criminal Code) (NK) consistent with the possibility provided for in Article 4(2) of that regulation?

2. Depending on the answer to the first question, is Article 9(1) of Regulation No 1889/2005 of the European Parliament and of the Council to be interpreted as meaning that it does not permit national legislation which, for failure to comply with the obligation to declare laid down in Article 3 of that regulation, provides for the cumulative imposition of the penalties of a term of imprisonment or a fine and confiscation of the undeclared sum without any review as to the origin of that sum? Is the simultaneous application of Article 251(1) of the NK and Article 251(2) of the NK — that is to say, imposition of the penalty provided for in Article 251(1) of the NK and confiscation, on conviction, of the contested sum that is the object of the criminal offence under Article 251(1) of the NK, in accordance with the obligation under article 251(2) of the NK — in conformity with Article 9(1) of Regulation No 1889/2005, which, for failure to comply with the obligation to declare laid down in Article 3 of that regulation, calls for penalties which are effective, dissuasive and proportionate to the offence and to the risk to society which the latter poses?

(1) Regulation (EC) No 1889/2005 of the European Parliament and of the Council of 26 October 2005 on controls of cash entering or leaving the Community (OJ 2005 L 309, p. 9).

Appeal brought on 24 May 2018 by Polskie Górnictwo Naftowe i Gazownictwo S.A. against the order of the General Court (First Chamber) made on 15 March 2018 in Case T-130/17, Polskie Górnictwo Naftowe i Gazownictwo S.A. v Commission

(Case C-342/18 P)

(2018/C 276/33)

Language of the case: Polish

Parties

Appellant: Polskie Górnictwo Naftowe i Gazownictwo S.A. (represented by: M. Jeżewski, adwokat)

Other party to the proceedings: European Commission

Form of order sought

The appellant claims that the Court should:

— set aside the order under appeal of the General Court of the European Union of 15 March 2018 dismissing as inadmissible the action brought by Polskie Górnictwo Naftowe i Gazownictwo S.A. in Case T-130/17;

— give a ruling on the admissibility of the action brought by Polskie Górnictwo Naftowe i Gazownictwo S.A. in Case T-130/17 concerning an application under Article 263 TFEU for the annulment of Commission Decision C(2016) 6950 final of 28 October 2016 on review of the exemption of the OPAL gas pipeline from the requirements on third party access and tariff regulation granted under Directive 2003/55/EC, ([1]) and declare that action admissible;

— refer the case back to the General Court so that it may examine the substance of the action.

Grounds of appeal and main arguments

(1) The General Court misinterpreted Article 263 TFEU by taking the view that the appellant is not directly concerned by the European Commission's decision.

In the context of the present ground of appeal, the appellant submits that the General Court's assessment, finding that the appellant is not directly concerned by the European Commission's decision, is incorrect. The approach taken by the General Court is not consistent with the existing case-law indicating that a decision of the European Commission is of direct concern to persons other than the national regulatory authority which is the addressee of that decision. In particular, the appellant indicates that the German regulatory authority clearly intended to give regulatory clearance.

(2) The General Court misinterpreted Article 263 TFEU by taking the view that the appellant is not individually concerned by the European Commission's decision.

In this context, the appellant submits that its situation enables individualisation within the meaning of the case-law concerning the admissibility of actions. The appellant, on account of its market position, is individually concerned by the contested decision. That decision also concerns the appellant because of the situation regarding ownership of the Jamał pipeline competing with the OPAL pipeline (which constitutes a continuation of the NordStream pipeline), and also has an impact on the appellant's situation as an entity required to guarantee the security of gas supply.

(3) The General Court misinterpreted the final limb of the fourth paragraph of Article 263 TFEU by finding that the contested decision is not a regulatory act.

In the present ground of appeal, the appellant submits that the decision is a regulatory act, and that the General Court's assessment is incorrect in that regard.

([1]) Directive 2003/55/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in natural gas and repealing Directive 98/30/EC (OJ 2003 L 176, p. 57).

Appeal brought on 1 June 2018 by the Republic of Poland against the judgment of the General Court (Ninth Chamber) delivered on 15 March 2018 in Case T-507/15, Republic of Poland v Commission

(Case C-358/18 P)

(2018/C 276/34)

Language of the case: Polish

Parties

Appellant: Republic of Poland (represented by: B. Majczyna, acting as Agent)

Other party to the proceedings: European Commission

Form of order sought

The appellant claims that the Court should:

— set aside the judgment of the General Court of the European Union of 15 March 2018 in Case T-507/15, *Republic of Poland* v *Commission*, in so far as the following pleas in law, raised in the action seeking annulment of Commission Implementing Decision (EU) 2015/1119 of 22 June 2015 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) (notified under document C(2015) 4076), ([1]) were rejected in that judgment:

(a) the second part of the first plea in law, relating to the effectiveness of on-the-spot controls in regard to pre-recognised producer groups, and

(b) the second part of the second plea in law, relating to the assessment of the risk of loss to the Fund and the level of the flat-rate correction applied in relation to expenditure incurred in the context of the measure 'Fruit and Vegetables — Pre-recognised Producer Groups';

— annul Commission Implementing Decision (EU) 2015/1119 of 22 June 2015 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) (notified under document C(2015) 4076), in so far as it excludes from European Union financing the amount of EUR 55 375 053,74 in expenditure incurred by the payment agency accredited by the Republic of Poland;

— order the European Commission to pay the costs, both at first instance and on appeal.

Grounds of appeal and main arguments

In the judgment under appeal the General Court dismissed the Republic of Poland's action for annulment of the European Commission's decision excluding from European Union financing the amounts of EUR 142 446,05 and EUR 55 375 053,74 in expenditure incurred by the payment agency accredited by the Republic of Poland in the context of the measures 'Fruit and Vegetables — Operational Programmes', and 'Fruit and Vegetables — Pre-recognised Producer Groups', respectively.

The Commission accused the Republic of Poland of three infringements in connection with its spending on the measures referred to above. Those infringements concerned, first, on-the-spot controls regarding the fulfilment by producer organisations of the criteria for recognition (in terms of the number of controls), second, on-the-spot controls preceding the grant of pre-recognition to producer groups or recognition to producer organisations, and, third, support paid to producer organisations towards seed costs in the context of operational programmes.

The second of the infringements referred to above was based on the fact that, according to the Commission, the Polish authorities did not verify, before granting pre-recognition to producer groups and before granting recognition to producer organisations, the minimum required value of marketed production, namely the fundamental criterion for recognition. In the Commission's view, the on-the-spot controls carried out by the Polish authorities in that regard were ineffective. The Commission considered those controls to be key controls, and the finding by the Commission of infringement was the basis for its imposition of a flat-rate correction of 10 % on expenditure in connection with both the measure 'Fruit and Vegetables — Operational Programmes' and the measure 'Fruit and Vegetables — Pre-recognised Producer Groups'.

The Republic of Poland raises the following grounds against the judgment under appeal:

1. Manifest distortion of the facts through:

   — relating findings pertaining to irregularities in controls of producer organisations preceding their recognition to controls of producer groups preceding pre-recognition;

   — finding that the controls of producer groups preceding pre-recognition were ineffective, despite the Commission's position of 1 March 2011 confirming the effectiveness of those controls.

   In this ground of appeal, the Republic of Poland submits, first, that the General Court improperly related findings pertaining to irregularities in controls of producer organisations — namely Vegapol and Zrzeszenie Plantatorów Owoców i Warzyw in Łowicz — preceding their recognition to the assessment of the effectiveness of controls of producer groups preceding their pre-recognition. Furthermore, the Republic of Poland submits that the General Court manifestly distorted the facts relating to the contradictions alleged by the Republic of Poland between the Commission's letter of 1 March 2011, confirming the effectiveness of the controls carried out by the Polish authorities preceding the grant of pre-recognition to producer groups, and the letter of 24 February 2014, in which the Commission accuses the Republic of Poland of infringement in that regard. Those distortions led the General Court to draw wholly incorrect conclusions regarding the ineffectiveness of the controls of producer groups preceding the grant of pre-recognition to those groups.

2. Breach of the right to effective judicial review regarding the level of the flat-rate correction applied by the Commission.

   In connection with this ground of appeal, the Republic of Poland submits that the General Court failed to carry out a judicial review as to the correctness of the determination by the Commission of the level of the flat-rate correction for the measure 'Fruit and Vegetables — Pre-recognised Producer Groups'. In particular, the Republic of Poland submits that the General Court restricted its review exclusively to ascertaining whether the controls at issue were key controls within the meaning of the Guidelines of 23 December 1997 for the calculation of financial consequences when preparing the decision regarding the clearance of the accounts of the EAGGF Guarantee (document VI/5330/97). However, the General Court did not examine all of the other elements which the Commission should have taken into consideration when calculating the risk of loss to the EU budget and setting the level of the flat-rate correction.

3. Insufficient statement of reasons for the judgment under appeal, in so far as the General Court found that the Commission:

   — had provided *prima facie* evidence of the existence of irregularities in the controls of producer groups preceding pre-recognition; and

   — had applied the correct level of flat-rate correction.

In the context of this ground of appeal, the Republic of Poland submits that there was a failure to state reasons in the judgment under appeal in so far as the General Court found, first, that the controls of producer groups preceding the grant of pre-recognition to those groups were ineffective and, second, that the flat-rate financial correction of 10 % in relation to the measure 'Fruit and Vegetables — Pre-recognised Producer Groups' was applied correctly.

([1]) OJ 2015 L 182, p. 39.

Request for a preliminary ruling from the Conseil d'État (France) lodged on 4 June 2018 — Association Organisation juive européenne, Société Vignoble PSAGOT Ltd v Ministre de l'Économie et des Finances

(Case C-363/18)

(2018/C 276/35)

Language of the case: French

Referring court

Conseil d'État

Parties to the main proceedings

Applicants: Association Organisation juive européenne, Société Vignoble PSAGOT Ltd

Defendant: Ministre de l'Économie et des Finances

Question referred

Does EU law and in particular Regulation No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, ([1]) where indication of the origin of a product falling within the scope of that regulation is mandatory, require, for a product from a territory occupied by Israel since 1967, indication of that territory and an indication that the product comes from an Israeli settlement if that is the case? If not, do the provisions of the regulation, in particular those in Chapter VI thereof, allow a Member State to require those indications?

([1]) Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ 2011 L 304, p. 18).

Reference for a preliminary ruling from the High Court of Justice (Chancery Division) (United Kingdom) made on 6 June 2018 — Sky plc, Sky International AG, Sky UK Limited v Skykick UK Limited, Skykick Inc

(Case C-371/18)

(2018/C 276/36)

Language of the case: English

Referring court

High Court of Justice (Chancery Division)

Parties to the main proceedings

Applicants: Sky plc, Sky International AG, Sky UK Limited

Defendants: Skykick UK Limited, Skykick Inc

Questions referred

1. Can an EU trade mark or a national trade mark registered in a Member State be declared wholly or partially invalid on the ground that some or all of the terms in the specification of goods and services are lacking in sufficient clarity and precision to enable the competent authorities and third parties to determine on the basis of those terms alone the extent of the protection conferred by the trade mark?

2. If the answer to question (1) is yes, is a term such as 'computer software' too general and covers goods which are too variable to be compatible with the trade mark's function as an indication of origin for that term to be sufficiently clear and precise to enable the competent authorities and third parties to determine on the basis of that term alone the extent of the protection conferred by the trade mark?

3. Can it constitute bad faith simply to apply to register a trade mark without any intention to use it in relation to the specified goods or services?

4. If the answer to question (3) is yes, is it possible to conclude that the applicant made the application partly in good faith and partly in bad faith if and to the extent that the applicant had an intention to use the trade mark in relation to some of the specified goods or services, but no intention to use the trade mark in relation to other specified goods or services?

5. Is section 32(3) of the UK Trade Marks Act 1994 compatible with Parliament and Council Directive 2015/2436/EU ([1]) and its predecessors?

([1]) Directive (EU) 2015/2436 of the European Parliament and of the Council of 16 December 2015 to approximate the laws of the Member States relating to trade marks (OJ 2015, L 336, p. 1).

Request for a preliminary ruling from the Bundesverwaltungsgericht (Germany) lodged on 8 June 2018 — Deutsche Lufthansa AG v Land Berlin

(Case C-379/18)

(2018/C 276/37)

Language of the case: German

Referring court

Bundesverwaltungsgericht

Parties to the main proceedings

Applicant: Deutsche Lufthansa AG

Defendant: Land Berlin

Other parties: Berliner Flughafen Gesellschaft mbH; Der Vertreter des Bundesinteresses beim Bundesverwaltungsgericht

Questions referred

1. Is a national provision which provides that the system of airport charges decided upon by the airport managing body must be submitted to the independent supervisory authority for approval, without prohibiting the airport managing body and the airport user from setting charges different from those approved by the supervisory authority, compatible with Directive 2009/12/EC ([1]) of the European Parliament and of the Council of 11 March 2009 on airport charges (OJ 2009 L 70 p. 11), in particular Article 3, Article 6(3) to (5) and Article 11(1) and (7) thereof?

2. Is an interpretation of national law whereby an airport user is prevented from challenging the approval of the charging scheme by the independent supervisory authority, but can bring an action against the airport managing body and can plead in that action that the charges determined in the charging scheme are inequitable, compatible with the aforementioned Directive?

([1]) OJ 2009 L 70, p. 11.

Reference for a preliminary ruling from the High Court of Justice, Family Division (England and Wales) (United Kingdom) made on 14 June 2018 — UD v XB

(Case C-393/18)

(2018/C 276/38)

Language of the case: English

Referring court

High Court of Justice, Family Division (England and Wales)

Parties to the main proceedings

Applicant: UD

Defendant: XB

Questions referred

1. Is the physical presence of a child in a state an essential ingredient of habitual residence, within the meaning of article 8 of Brussels II Revised Regulation 2003 ([1])?

2. In circumstances where both parents are holders of Parental Responsibility, does the fact that a mother has been tricked to go to another state and then unlawfully detained by coercion or other unlawful act in that state by the father, leading to the mother being forced to give birth to a child in that state, have any impact on the answer to question (1) in circumstances where there may have been a violation of the mother and / or child's human rights, pursuant to articles 3 and 5 of the European Convention on Human Rights 1950, or otherwise?

([1]) Council regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 (OJ 2003, L 338, p. 1).

Order of the President of the Court of 12 April 2018 (request for a preliminary ruling from the Tribunal Superior de Justicia de Cataluña — Spain) — Carolina Minayo Luque v Quitxalla Stars, S.L., Fondo de Garantía Salarial, Ministerio Fiscal

(Case C-432/16) ([1])

(2018/C 276/39)

Language of the case: Spanish

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

([1]) OJ C 410, 7.11.2016.

Order of the President of the Court of 18 May 2018 (request for a preliminary ruling from the Landgericht Frankfurt am Main — Germany) — Kevin Joseph Devine v Air Nostrum, Líneas Aéreas del Mediterráneo SA

(Case C-538/16) ([1])

(2018/C 276/40)

Language of the case: German

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

([1]) OJ C 30, 30.1.2017.

Order of the President of the Court of 17 April 2018 (request for a preliminary ruling from the Rechtbank Noord-Holland — Netherlands) — X B.V. v Inspecteur van de Belastingdienst/Douane, kantoor Rotterdam Rijnmond

(Case C-631/16) ([1])

(2018/C 276/41)

Language of the case: Dutch

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

([1]) OJ C 86, 20.3.2017.

Order of the President of the Second Chamber of the Court of 8 May 2018 — Meissen Keramik GmbH v European Union Intellectual Property Office (EUIPO)

(Case C-686/16 P) ([1])

(2018/C 276/42)

Language of the case: German

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

([1]) OJ C 161, 22.5.2017.

Order of the President of the Second Chamber of the Court of 22 March 2018 (request for a preliminary ruling from the Supremo Tribunal de Justiça — Portugal) — David Vicente Fernandes v Gabinete Português de Carta Verde

(Case C-71/17) ([1])

(2018/C 276/43)

Language of the case: Portuguese

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

([1]) OJ C 129, 24.4.2017.

Order of the President of the Court of 1 June 2018 (request for a preliminary ruling from the Tribunal Superior de Justicia del País Vasco — Spain) — José Luis Cabana Carballo v Instituto Nacional de la Seguridad Social (INSS), Tesorería General de la Seguridad Social (TGSS)

(Case C-141/17) ([1])

(2018/C 276/44)

Language of the case: Spanish

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

([1]) OJ C 195, 19.6.2017.

Order of the President of the Court of 23 April 2018 (request for a preliminary ruling from the Fővárosi Közigazgatási és Munkaügyi Bíróság — Hungary) — Headlong Limited v Nemzeti Adó- és Vámhivatal Központi Irányítása

(Case C-303/17) ([1])

(2018/C 276/45)

Language of the case: Hungarian

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

([1]) OJ C 269, 14.8.2017.

Order of the President of the Court of 12 April 2018 (request for a preliminary ruling from the Bundesgerichtshof — Germany) — Uber BV v Richard Leipold

(Case C-371/17) ([1])

(2018/C 276/46)

Language of the case: German

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

([1]) OJ C 318, 25.9.2017.

Order of the President of the Court of 29 March 2018 — European Commission v Republic of Croatia, supported by the French Republic

(Case C-381/17) ([1])

(2018/C 276/47)

Language of the case: Croatian

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

([1]) OJ C 283, 28.8.2017.

Order of the President of the Eighth Chamber of the Court of 24 May 2018 — European Commission v Portuguese Republic

(Case C-382/17) ([1])

(2018/C 276/48)

Language of the case: Portuguese

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

([1]) OJ C 277, 21.8.2017.

Order of the President of the Court of 26 April 2018 — European Commission v Republic of Croatia, supported by the French Republic

(Case C-415/17) ([1])

(2018/C 276/49)

Language of the case: Croatian

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

([1]) OJ C 277, 21.8.2017.

Order of the President of the Third Chamber of the Court of 28 May 2018 (request for a preliminary ruling from the Supreme Court of the United Kingdom — United Kingdom) — Hoteles Piñero Canarias, S.L. v Keefe (by his litigation friend Eyton)

(Case C-491/17) ([1])

(2018/C 276/50)

Language of the case: English

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

([1]) OJ C 347, 16.10.2017.

Order of the President of the Court of 26 April 2018 (request for a preliminary ruling from the Landgericht Düsseldorf — Germany) — Eurowings GmbH v Klaus Rövekamp, Christiane Rupp

(Case C-615/17) ([1])

(2018/C 276/51)

Language of the case: German

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

([1]) OJ C 63, 19.2.2018.

Order of the President of the Court of 23 March 2018 (request for a preliminary ruling from the Landgericht Frankfurt am Main — Germany) — Emirates Airlines — Direktion für Deutschland v Aylin Wüst, Peter Wüst

(Case C-645/17) ([1])

(2018/C 276/52)

Language of the case: German

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

([1]) OJ C 129, 24.4.2017.

Order of the President of the Court of 17 May 2018 (request for a preliminary ruling from the Amtsgericht Hamburg — Germany) — Anke Hartog v British Airways plc

(Case C-711/17) ([1])

(2018/C 276/53)

Language of the case: German

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

([1]) OJ C 134, 16.4.2018.

Order of the President of the Court of 17 May 2018 (request for a preliminary ruling from the Amtsgericht Hannover — Germany) — Sebastian Vollmer, Vera Sagalov v Swiss Global Air Lines AG

(Case C-721/17) ([1])

(2018/C 276/54)

Language of the case: German

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

([1]) OJ C 123, 9.4.2018.

Order of the President of the Court of 26 April 2018 (request for a preliminary ruling from the Tribunal Superior de Justicia de Galicia — Spain) — Modesto Jardón Lama v Instituto Nacional de la Seguridad Social, Tesorería General de la Seguridad Social

(Case C-7/18) ([1])

(2018/C 276/55)

Language of the case: Spanish

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

([1]) OJ C 142, 23.4.2018.

Order of the President of the Court of 1 June 2018 — European Commission v Republic of Bulgaria, supported by the Republic of France

(Case C-27/18) ([1])

(2018/C 276/56)

Language of the case: Bulgarian

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

([1]) OJ C 83, 5.3.2018.

Order of the President of the Court of 17 May 2018 (request for a preliminary ruling from the Bundesarbeitsgericht — Germany) — AX v BW

(Case C-57/18) ([1])

(2018/C 276/57)

Language of the case: German

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

([1]) OJ C 152, 30.4.2018.

Order of the President of the Court of 29 May 2018 — European Commission v Grand Duchy of Luxembourg

(Case C-87/18) ([1])

(2018/C 276/58)

Language of the case: French

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

([1]) OJ C 161, 7.5.2018.

Order of the President of the Court of 29 May 2018 — European Commission v Grand Duchy of Luxembourg

(Case C-88/18) ([1])

(2018/C 276/59)

Language of the case: French

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

([1]) OJ C 161, 7.5.2018.

Order of the President of the Court of 1 June 2018 (request for a preliminary ruling from the Tribunal Arbitral Tributário (Centro de Arbitragem Administrativa — CAAD) — Portugal) — Raúl Vítor Soares de Sousa v Autoridade Tributária e Aduaneira

(Case C-196/18) ([1])

(2018/C 276/60)

Language of the case: Portuguese

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

([1]) OJ C 190, 4.6.2018.

GENERAL COURT

Judgment of the General Court of 26 June 2018 — France v Commission

(Case T-259/13 RENV) ([1])

(EAGGF — Guarantee Section — EAGF and EAFRD — Expenditure excluded from financing — Rural development support measures — Areas with natural handicaps — Flat rate financial correction — Expenditure incurred by France — Loading criterion — On-the-spot controls)

(2018/C 276/61)

Language of the case: French

Parties

Applicant: French Republic (represented by: D. Colas, S. Horrenberger, R. Coesme, E. de Moustier and A.-L. Desjonquères, acting as Agents)

Defendant: European Commission (represented initially by: D. Bianchi, G. von Rintelen and J. Aquilina, and subsequently by D. Bianchi, G. von Rintelen and A. Lewi, acting as Agents)

Intervener in support of the applicant: Kingdom of Spain (represented by: M. Sampol Pucurull, acting as Agents)

Re:

Application on the basis of Article 263 TFEU seeking the partial annulment of Commission Implementing Decision 2013/123/EU of 26 February 2013 on excluding from European Union financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF), under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD) (OJ 2013 L 67, p. 20).

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders the French Republic and the European Commission to bear their own costs;*

3. *Orders the Kingdom of Spain to bear its own costs.*

([1]) OJ C 207, 20.7.2013.

Judgment of the General Court of 20 June 2018 — KV v Commission

(Case T-104/15) ([1])

(Grant agreements concluded in the context of the Lifelong Learning Programme (2007-2013) — 'Green Business is Smart Business' and 'LadybizIT: Woman entrepreneurship on the verge of ICT' projects — Ineligible costs — Action for annulment — Lack of jurisdiction of the Commission)

(2018/C 276/62)

Language of the case: English

Parties

Applicant: KV (represented by: S. Pappas, lawyer)

Defendant: European Commission (represented initially by: C. Gheorghiu and K. Skelly, and subsequently by C. Gheorghiu, I. Rubene and J. King, acting as Agents)

Intervener in support of the defendant: Education, Audiovisual and Culture Executive Agency (EACEA) (represented initially by: H. Monet and D. Homann, and subsequently by H. Monet, acting as Agents)

Re:

Application based on Article 263 TFEU and seeking the annulment of Commission Implementing Decision C(2014) 9706 final of 16 December 2014, which dismissed as unfounded the appeal brought by the applicant against the decision of the EACEA of 23 September 2014 declaring certain staff costs to be ineligible in the light of the grant agreements concluded on 30 September 2010 and 9 September 2011 between the applicant and the EACEA for the implementation of the European projects 'Green Business is Smart Business' and 'LadybizIT: Woman entrepreneurship on the Verge of ICT'.

Operative part of the judgment

The Court:

1. *Annuls Commission Implementing Decision C(2014) 9706 final of 16 December 2014;*

2. *Dismisses the remainder of the action as inadmissible;*

3. *Orders the European Commission to bear its own costs and to pay those incurred by KV;*

4. *Orders the Education, Audiovisual and Culture Executive Agency (EACEA) to bear its own costs.*

([1]) OJ C 155, 11.5.2015.

Judgment of the General Court of 20 June 2018 — KV v EACEA

(Joined Cases T-306/15 and T-484/15) ([1])

(Arbitration clause — Grant agreements concluded in the context of the Lifelong Learning Programme (2007-2013) — NEST and 'This is IT' projects — Ineligible costs — Reclassification of the action)

(2018/C 276/63)

Language of the case: English

Parties

Applicant: KV (represented by: S. Pappas, lawyer)

Defendant: Education, Audiovisual and Culture Executive Agency (EACEA) (represented initially by: H. Monet and D. Homann, and subsequently by H. Monet, acting as Agents)

Re:

Actions pursuant to Article 272 TFEU and seeking a declaration that, by declaring ineligible some of the staff costs incurred by the applicant in connection with the Network for Staff and Teachers in Childcare Services ('NEST') and Facilitating and fostering digital competence through volunteers — This is IT ('This is IT') projects, the EACEA did not correctly interpret and apply the contractual provisions relating to those projects.

Operative part of the judgment

The Court:

1. *Joins Cases T-306/15 and T-484/15 for the purposes of the decision closing the proceedings;*

2. *Dismisses the actions;*

3. *Orders KV to pay the costs.*

(1) OJ C 279, 24.8.2015.

Judgment of the General Court of 26 June 2018 — Deutsche Post v EUIPO — Verbis Alfa and EasyPack (InPost)

(Case T-537/15) (1)

(EU trade mark — Opposition proceedings — Application for EU figurative mark InPost — Earlier EU figurative marks INFOPOST and ePOST and earlier national word mark POST — Relative ground for refusal — No likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 (now Article 8 (1)(b) of Regulation (EU) 2017/1001) — No detriment to reputation and no dilution — Article 8(1)(b) and (5) of Regulation No 207/2009 (now Article 8(1)(b) and (5) of Regulation 2017/1001) — Evidence submitted for the first time before the Court)

(2018/C 276/64)

Language of the case: English

Parties

Applicant: Deutsche Post AG (Bonn, Germany) (represented initially by: M. Viefhues and T. Heitmann, and subsequently by M. Viefhues, lawyers)

Defendant: European Union Intellectual Property Office (represented by: M. Rajh, G. Sakalaite-Orlovskiene and D. Walicka, acting as Agents)

Other parties to the proceedings before the Board of Appeal of EUIPO, interveners before the General Court: Verbis Alfa sp. z o.o. (Cracow, Poland) and EasyPack sp. z o.o. (Cracow) (represented by: M. Żabińska, A. Kockläuner and O. Nilgen, lawyers)

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 26 June 2015 (Case R 546/2014-1), relating to opposition proceedings between Deutsche Post, on the one hand, and Verbis Alfa and EasyPack, on the other.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Deutsche Post AG to pay the costs.*

(1) OJ C 371, 9.11.2015.

Judgment of the General Court of 21 June 2018 — Haverkamp IP v EUIPO — Sissel (Foot mat)

(Case T-227/16) ([1])

(Community design — Invalidity proceedings — International registration designating the European Union — Registered Community design representing a foot mat — Earlier design — Grounds for invalidity — No individual character — Informed user — Degree of freedom of the designer — Proof of saturation of the state of the art — No different overall impression — Article 5 and Article 25(1)(b) of Regulation (EC) No 6/2002 — Article 63(1) of Regulation No 6/2002)

(2018/C 276/65)

Language of the case: German

Parties

Applicant: Haverkamp IP GmbH (Kindberg, Austria), authorised to replace Reinhard Haverkamp (represented by: A. Waldenberger, lawyer)

Defendant: European Union Intellectual Property Office (represented by: S. Hanne and D. Walicka, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO: Sissel GmbH (Bad Dürkheim, Germany)

Re:

Action brought against the decision of the Third Board of Appeal of EUIPO of 26 February 2016 (Case R 2618/2014-3) concerning invalidity proceedings between Sissel and Mr Haverkamp

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Haverkamp IP GmbH to pay the costs.*

([1]) OJ C 243, 4.7.2016.

Judgment of the General Court of 21 June 2018 — Haverkamp IP v EUIPO — Sissel (Pebble beach surface pattern)

(Case T-228/16) ([1])

(Community design — Invalidity proceedings — International registration designating the European Union — Registered Community design representing a pebble beach surface pattern — Earlier design — Grounds for invalidity — Lack of novelty — Article 5 and Article 25(1)(b) of Regulation (EC) No 6/2002)

(2018/C 276/66)

Language of the case: German

Parties

Applicant: Haverkamp IP GmbH (Kindberg, Austria), authorised to replace Reinhard Haverkamp (represented by: A. Waldenberger, lawyer)

Defendant: European Union Intellectual Property Office (represented by: S. Hanne and D. Walicka, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO: Sissel GmbH (Bad Dürkheim, Germany)

Re:

Action brought against the decision of the Third Board of Appeal of EUIPO of 26 February 2016 (Case R 2619/2014-3) concerning invalidity proceedings between Sissel and Mr Haverkamp

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Haverkamp IP GmbH to pay the costs.*

([1]) OJ C 243, 4.7.2016.

Judgment of the General Court of 20 June 2018 — České dráhy v Commission

(Case T-325/16) ([1])

(Competition — Administrative procedure — Decision ordering an inspection — Proportionality — Non-arbitrariness — Obligation to state reasons — Reasonable grounds — Legal certainty — Legitimate expectations — Right to respect for private life — Rights of the defence)

(2018/C 276/67)

Language of the case: Czech

Parties

Applicant: České dráhy a.s. (Prague, Czech Republic) (represented by: K. Muzikář, J. Kindl and V. Kuča, lawyers)

Defendant: European Commission (represented by: P. Rossi, A. Biolan, G. Meessen, P. Němečková and M. Šimerdová, acting as Agents)

Re:

Action based on Article 263 TFEU and seeking annulment of Commission Decision C(2016) 2417 final of 18 April 2016 relating to a proceeding under Article 20(4) of Regulation No 1/2003, addressed to České dráhy and all companies directly or indirectly controlled by it, ordering them to submit to an inspection (Case AT.40156 — Falcon).

Operative part of the judgment

The Court:

1. *Annuls Commission Decision C(2016) 2417 final of 18 April 2016 relating to a proceeding under Article 20(4) of Regulation (EC) No 1/2003, addressed to České dráhy and all companies directly or indirectly controlled by it, ordering them to submit to an inspection (Case AT.40156 — Falcon), in so far as it concerns routes other than the Prague-Ostrava route and conduct other than the alleged predatory pricing practices;*

2. *Dismisses the action as to the remainder;*

3. *Orders each party to bear its own costs.*

(1) OJ C 314, 29.8.2016.

Judgment of the General Court of 26 June 2018 — Sicignano v EUIPO — IN.PRO.DI (GiCapri 'a giacchett'e capri')

(Case T-619/16) (1)

(EU trade mark — Opposition proceedings — Application for EU figurative mark GiCapri 'a giacchett'e capri' — Earlier EU figurative mark CAPRI — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 (now Article 8(1)(b) of Regulation (EU) 2017/1001))

(2018/C 276/68)

Language of the case: Italian

Parties

Applicant: Pasquale Sicignano (Santa Maria la Carità, Italy) (represented by: A. Masetti Zannini de Concina, M. Bucarelli and G. Petrocchi, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO) (represented by: L. Rampini and J. Crespo Carillo, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO: Inghirami Produzione Distribuzione SpA (IN.PRO.DI) (Milan, Italy)

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 2 June 2016 (Case R 806/2015-5), relating to opposition proceedings between IN.PRO.DI and Mr Sicignano.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Mr Pasquale Sicignano to pay the costs.*

(1) OJ C 392, 24.10.2016.

Judgment of the General Court of 20 June 2018 — České dráhy v Commission

(Case T-621/16) (1)

(Competition — Administrative procedure — Decision ordering an inspection — Inspection ordered on the basis of information obtained from a separate inspection — Proportionality — Obligation to state reasons — Right to respect for private life — Rights of defence)

(2018/C 276/69)

Language of the case: Czech

Parties

Applicant: České dráhy a.s. (Prague, Czech Republic) (represented by: K. Muzikář, J. Kindl and V. Kuča, lawyers)

Defendant: European Commission (represented by: P. Rossi, A. Biolan, G. Meessen, P. Němečkova and M. Šimerdová, acting as Agents)

Re:

Action based on Article 263 TFEU and seeking annulment of Commission Decision C(2016) 3993 final of 22 June 2016 requiring České dráhy, together with all entities directly or indirectly controlled by it, to submit to an inspection pursuant to Article 20(4) of Regulation (EC) No 1/2003 (Case AT.40401 — Twins).

Operative part of the judgment

The Court:

1. *dismisses the action;*

2. *orders České dráhy a.s. to pay the costs.*

(1) OJ C 392, 24.10.2016.

Judgment of the General Court of 26 June 2018 — Akant Monika i Zbigniew Harasym v EUIPO — Hunter Douglas Holding (COSIMO)

(Case T-739/16) (1)

(EU trade mark — Opposition proceedings — Application for EU word mark COSIMO — Earlier EU word mark COSIFLOR — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 (now Article 8(1)(b) of Regulation (EU) 2017/1001) — Proof of genuine use of the earlier mark — Article 42(2) of Regulation No 207/2009 (now Article 47(2) of Regulation 2017/1001))

(2018/C 276/70)

Language of the case: English

Parties

Applicant: Akant Monika i Zbigniew Harasym sp.j. (Koszalin, Poland) (represented by: M. Krekora, lawyer)

Defendant: European Union Intellectual Property Office (represented by: D. Walicka, acting as Agent)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Hunter Douglas Holding GmbH & Co. KG (Düsseldorf, Germany) (represented by: M. Sonntag, lawyer)

Re:

Action brought against the decision of the Second Board of Appeal of EUIPO of 22 August 2016 (Case R 2364/2015-2), relating to opposition proceedings between Hunter Douglas Holding and Akant Monika i Zbigniew Harasym.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Akant Monika i Zbigniew Harasym sp.j. to pay the costs.*

(1) OJ C 462, 12.12.2016.

Judgment of the General Court of 26 June 2018 — France.com v EUIPO — France (FRANCE.com)

(Case T-71/17) (1)

(EU trade mark — Opposition proceedings — Application for the EU figurative mark FRANCE.com — Earlier international figurative mark France — Relative ground for refusal — Likelihood of confusion — Similarity of the signs — Article 8(1)(b) of Regulation (EC) No 207/2009 (now Article 8(1)(b) of Regulation (EU) 2017/1001))

(2018/C 276/71)

Language of the case: English

Parties

Applicant: France.com (Coral Gables, Florida, United States) (represented by: A. Bertrand, lawyer)

Defendant: European Union Intellectual Property Office (represented by: D. Hanf, acting as Agent)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: French Republic (represented by: F. Alabrune, D. Colas and D. Segoin, acting as Agents)

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 20 October 2016 (Case R 2452/2015-1) relating to opposition proceedings between the French Republic and France.com.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders France.com, Inc., to pay the costs.*

(1) OJ C 112, 10.4.2017.

Judgment of the General Court of 26 June 2018 — Jumbo Africa v EUIPO — ProSiebenSat.1 Licensing (JUMBO)

(Case T-78/17) (1)

(EU trade mark — Invalidity proceedings — EU word mark JUMBO — Absolute ground for refusal — Descriptiveness — Article 7(1)(c) of Regulation (EC) No 207/2009 (now Article 7(1)(c) of Regulation (EU) 2017/1001) — Distinctive character acquired through use — Article 7(3) of Regulation No 207/2009 (now Article 7(3) of Regulation 2017/1001) — Article 52(1)(a) and (2) of Regulation No 207/2009 (now Article 59(1)(a) and (2) of Regulation 2017/1001))

(2018/C 276/72)

Language of the case: Spanish

Parties

Applicant: Jumbo Africa, SL (L'Hospitalet de Llobregat, Spain) (represented by: M.C. Buganza González and E. Torner Lasalle, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO) (represented by: J. García Murillo and A. Folliard-Monguiral, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO: ProSiebenSat.1 Licensing GmbH (Unterföhring, Germany)

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 26 October 2016 (Case R 227/2016-1), relating to invalidity proceedings between ProSiebenSat.1 Licensing and Jumbo Africa.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Jumbo Africa, SL to bear its own costs and to pay the costs incurred by the European Union Intellectual Property Office (EUIPO).*

([1]) OJ C 104, 3.4.2017.

Judgment of the General Court of 28 June 2018 — Amplexor Luxembourg v Commission

(Case T-211/17) ([1])

(Public service contracts — Tendering procedure — Ranking of a tenderer in the cascade procedure — Processing of opinions with a view to their publication in the Supplement to the Official Journal of the European Union — Equal treatment of tenderers — Neutralisation of the advantage of the incumbent contractor — Misuse of powers)

(2018/C 276/73)

Language of the case: French

Parties

Applicant: Amplexor Luxembourg Sàrl (Bertrange, Luxembourg) (represented by: J.-F. Steichen, lawyer)

Defendant: European Commission (represented by: J. Estrada de Solà and O. Verheecke, acting as Agents)

Re:

Application based on Article 263 TFEU seeking annulment of the decision of the Publications Office of the European Union (PO) of 13 February 2017 to classify the applicant in second place in the context of call for tenders No 10651 for the conclusion of a framework contract in cascade for the processing of opinions with a view to their publication in the Supplement to the *Official Journal of the European Union*.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Amplexor Luxembourg Sàrl to pay the costs, including those relating to the interlocutory proceedings.*

([1]) OJ C 213, 3.7.2017.

Judgment of the General Court of 27 June 2018 — NCL v EUIPO (FEEL FREE)

(Case T-362/17) ([1])

(EU trade mark — Application for EU word mark FEEL FREE — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) and 7(2) of Regulation (EC) No 207/2009 (now Article 7(1)(b) and 7(2) of Regulation (EU) 2017/1001))

(2018/C 276/74)

Language of the case: German

Parties

Applicant: NCL Corporation Ltd (Miami, Florida, United States) (represented by: J. Bühling and D. Graetsch, lawyers)

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

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 23 March 2017 (Case R 2094/2016-4), concerning an application for registration of the word sign FEEL FREE as an EU trade mark.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders NCL Corporation Ltd to pay the costs.*

([1]) OJ C 249, 31.7.2017.

Judgment of the General Court of 26 June 2018 — Staropilsen v EUIPO — Pivovary Staropramen (STAROPILSEN; STAROPLZEN)

(Case T-556/17) ([1])

(EU trade mark — Invalidity proceedings — EU word mark STAROPILSEN; STAROPLZEN — Earlier EU and national word marks STAROPRAMEN — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) and Article 53(1)(a) of Regulation (EC) No 207/2009 (now Article 8(1)(b) and Article 60 (1)(a) of Regulation (EU) 2017/1001))

(2018/C 276/75)

Language of the case: English

Parties

Applicant: Staropilsen s. r. o. (Plzeň, Czech Republic) (represented by: A. Kodrasová, lawyer)

Defendant: European Union Intellectual Property Office (represented by: J. Ivanauskas, acting as Agent)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Pivovary Staropramen s. r. o. (Prague, Czech Republic) (represented by: M. Vojáček, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 20 June 2017 (Case R 236/2017-4), relating to cancellation proceedings between Pivovary Staropramen and Staropilsen.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Staropilsen s. r. o. to pay the costs.*

([1]) OJ C 347, 16.10.2017.

Judgment of the General Court of 20 June 2018 – Anabi Blanga v EUIPO — Polo/Lauren (HPC POLO)

(Case T-657/17) ([1])

(EU trade mark — Opposition proceedings — Application for registration of the EU word mark HPC POLO — Earlier EU word mark POLO — Relative ground for refusal — Likelihood of confusion — Similarity of the signs — Distinctive character — Article 8(1)(b) of Regulation (EC) No 207/2009 (now Article 8(1)(b) of Regulation (EU) 2017/1001))

(2018/C 276/76)

Language of the case: English

Parties

Applicant: Gidon Anabi Blanga (Mexico, Mexico) (represented by: M. Sanmartín Sanmartín, lawyer)

Defendant: European Union Intellectual Property Office (represented by: K. Zajfert, D. Walicka and A. Folliard-Monguiral, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: The Polo/Lauren Company LP (New York, New York, United States) (represented by: R. Black, Solicitor, and S. Baran, Barrister)

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 14 June 2017 (Case R 2368/2016-1), relating to opposition proceedings between The Polo/Lauren Company and Mr Anabi Blanga.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Mr Gidon Anabi Blanga to pay the costs.*

([1]) OJ C 437, 18.12.2017.

Judgment of the General Court of 29 June 2018 — hoechstmass Balzer v EUIPO (Shape of a tape measure case)

(Case T-691/17) ([1])

(EU trade mark — Application for a three-dimensional EU trade mark — Shape of a tape measure case — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 207/2009 (now Article 7(1)(b) of Regulation (EU) 2017/1001))

(2018/C 276/77)

Language of the case: German

Parties

Applicant: hoechstmass Balzer GmbH (Sulzbach, Germany) (represented by: K. Zapfe, lawyer)

Defendant: European Union Intellectual Property Office (represented by: M. Fischer, acting as Agent)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 28 July 2017 (Case R 2331/2016-4), concerning an application for registration of a three-dimensional sign consisting of the shape of a tape measure case as an EU trade mark.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders hoechstmass Balzer GmbH to pay the costs.*

([1]) OJ C 402, 27.11.2017.

Order of the General Court of 20 June 2018 — L v Parliament

(Case T-156/17) ([1])

(Civil Service — Accredited Parliamentary assistant — Termination of contract — Litispendence — Inadmissibility)

(2018/C 276/78)

Language of the case: English

Parties

Applicant: L (represented by: I. Coutant Peyre, lawyer)

Defendant: European Parliament (represented by: Í. Ní Riagáin Düro and M. Windisch, acting as Agents)

Re:

Application on the basis of Article 270 TFEU seeking the annulment of the decision of the Parliament of 24 June 2016 to terminate the applicant's contract of employment as an accredited Parliamentary assistant.

Operative part of the order

1. *The action is dismissed as inadmissible.*

2. *Each party shall bear its own costs.*

([1]) OJ C 402, 27.11.2017.

Order of the General Court of 20 June 2018 — Unigroup v EUIPO — Pronova Laboratories (nailicin)

(Case T-587/17) ([1])

(EU trade mark — Opposition proceedings — Application for EU word mark nailicin — Earlier Benelux word mark NAILCLIN — Relative ground for refusal — Copy of the certificate of registration of the earlier mark — Rule 19(2)(a)(ii) of Regulation (EC) No 2868/95 (now Article 7(2)(a)(ii) of Delegated Regulation (EU) 2017/1430) — Taking into account of a document submitted in conjunction with the notice of opposition — Rule 19(4) Regulation No 2868/95 (now Article 7(5) of Delegated Regulation 2017/1430) — Action manifestly lacking any foundation in law)

(2018/C 276/79)

Language of the case: English

Parties

Applicant: Unigroup ApS (Lyngby, Denmark) (represented by: M. Rijsdijk, lawyer)

Defendant: European Union Intellectual Property Office (represented by: M. Rajh, acting as Agent)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Pronova Laboratories BV (Muiden, Netherlands) (represented by: S. Wertwijn, lawyer)

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 9 June 2017 (Case R 2359/2016-5), relating to opposition proceedings between Pronova Laboratories and Unigroup.

Operative part of the order

1. *The action is dismissed.*

2. *Unigroup ApS is ordered to bear its own costs and to pay those incurred by the European Union Intellectual Property Office (EUIPO) and by Pronova Laboratories BV.*

([1]) OJ C 347, 16.10.2017.

Action brought on 23 April 2018 — Brunke v Commission

(Case T-258/18)

(2018/C 276/80)

Language of the case: German

Parties

Applicant: Lothar Brunke (Berlin, Germany) (represented by: A. Schniebel, lawyer)

Defendant: European Commission

Forms of order sought

The applicant claims that the Court should:

— establish the discriminatory effect of Directive 2005/36/EC as regards the possibilities of practising as a doctor without a specialist medical qualification;

— in the alternative, oblige the defendant, by a decision in favour of the applicant, having regard to the interpretation of the law given by the General Court, to allow him, within a reasonable period, to be admitted to the specialist medical profession as a specialist doctor for natural therapy in recognition of his many years of medical experience in private practice in that area and his parallel occupational training;

— in the alternative, declare that the Commission has failed to fulfil its obligations under the FEU Treaty by not adopting a decision on the basis of the applicant's complaints of 6 June 2017 and of 27 December 2017.

Pleas in law and main arguments

In support of the action, the applicant claims that Directive 2005/36/EC of the European Parliament and of the Council ([1]) prevents him from pursuing a medical profession in Europe, since, for the applicant, the absence of an exemption for non-specialist doctors has the result that the applicant is de facto prohibited from carrying on his profession. In that regard, the applicant alleges that the Commission has failed to examine the existence of that discrimination.

([1]) Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ 2005 L 255, p. 22).

Action brought on 22 May 2018 — Mediaservis v Commission

(Case T-316/18)

(2018/C 276/81)

Language of the case: English

Parties

Applicant: Mediaservis s. r. o. (Prague, Czech Republic) (represented by: D. Vosol and C. Schneider, lawyers)

Defendant: European Commission

Form of order sought

— annul Commission decision C(2018) 753 final of 19 February 2018 not to raise objections against State aid for Czech Post for the provision of the universal postal service over the period 2013-2017;

— order the Commission to pay the costs of the proceedings.

Pleas in law and main arguments

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

1. First plea in law, alleging the infringement of Article 108(2) and (3) TFEU.

   — The Commission decided not to initiate the procedure provided for in Article 108(2) TFEU, even though it experienced serious difficulties in its assessment of the compatibility of the State aid with the common market.

2. Second plea in law, alleging an insufficient and incomplete examination of the case and failure of the Commission to examine all the facts and points of law brought to its notice by persons, undertakings and associations whose interests may be affected by the granting of the aid and a violation of the duty to state reasons.

— The Commission did not examine all issues raised in the applicant's complaint. Instead, the Commission superficially held that the calculation of net cost was based on an appropriate accounting separation between the cost for the universal service and other costs.

— The Commission violated its duty to state reasons in that regard.

3. Third plea in law, alleging a manifest error of assessment regarding the calculation of the net cost and the verification of the absence of over-compensation.

— The Commission came to the wrongful conclusion that the costs Česká pošta incurred inside and outside the scope of the universal service had been allocated in line with paragraph 31 of the 2012 SGEI Framework. ([1])

— The Commission based its decision insofar on a manifestly unrealistic counterfactual scenario.

— The counterfactual scenario accepted by the Commission did not take into account that the Czech Postal Act requires that prices should include all costs incurred.

— The calculation of the net cost occurred in violation of paragraph 32 of the 2012 SGEI Framework, since it did not take into account relevant sources of income, even if linked to other activities than SGEI.

4. Fourth plea in law, alleging a manifest error in law regarding the application of paragraph 25 of the 2012 SGEI Framework in conjunction with Annex I Part B of the Postal Directive. ([2])

— Although paragraph 25 of the 2012 SGEI Framework and Annex I Part B of the Postal Directive require the net cost calculation to assess the benefits, including intangible benefits as far as possible, to the SGEI provider (to take into account any intangible and market benefits which accrue to the universal service provider), the Commission decision, Annex A.1, dealt only with intangible benefits.

5. Fifth plea in law, alleging a violation of paragraph 51 et seq. of the 2012 SGEI Framework and a violation of the duty to state reasons.

— Due to the market behaviour of Česká pošta which aims at driving competitors from the market, the Commission would have been obliged to impose additional requirements necessary to ensure that the development of trade is not affected to an extent contrary to the interests of the Union within the meaning of paragraph 51 et seq. of the 2012 SGEI Framework, but failed to do so.

— Even if not under such an obligation, the Commission would have been obliged, against the background of the market share and the market behaviour of Česká pošta, to state concrete reasons why such additional requirements had not been necessary, but it failed to do so.

([1]) Commission Communication, European Union framework for State aid in the form of public service compensation (2011) (OJ 2012 C 8, p. 15).

([2]) Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service (OJ 1998, L 15, p. 14), as last amended by Directive 2008/6/EC of the European Parliament and of the Council of 20 February 2008 amending Directive 97/67/EC with regard to the full accomplishment of the internal market of Community postal services (OJ 2008 L 52, p. 3).

Action brought on 22 May 2018 — Amazon EU and Amazon.com v Commission

(Case T-318/18)

(2018/C 276/82)

Language of the case: English

Parties

Applicants: Amazon EU Sàrl (Luxembourg, Luxembourg) and Amazon.com, Inc. (Seattle, Washington, United States) (represented by: D. Paemen, M. Petite and A. Tombiński, lawyers)

Defendant: European Commission

Form of order sought

— annul Articles 1 to 4 of the European Commission's decision of 4 October 2017 on State aid SA.38944 (2014/C) (ex 2014/NN) implemented by Luxembourg to Amazon, which finds that Luxembourg granted LuxOpCo illegal State aid over the period of May 2006 — June 2014 by virtue of a tax ruling granted in 2003 ([1]);

— in the alternative, annul Articles 2 to 4 of the decision; and

— in any event, order the Commission to bear the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging that the decision violates Article 107(1) TFEU because the decision fails to establish the existence of an advantage benefitting the applicants in view of the comparables adduced by the applicants

   — the decision improperly ignores direct evidence showing that the royalty LuxOpCo actually paid for the Intangibles over the relevant period was at arm's length, and that therefore the 2003 ATC did not confer an actual advantage on LuxOpCo in the form of a reduced tax base.

2. Second plea in law, alleging that the decision violates Article 107(1) TFEU because the decision's finding of an advantage is based on an erroneous analysis of the functions of LuxOpCo and Amazon European Holding Technologies S.C.S.

   — the decision's analysis of the functions performed by Amazon European Holding Technologies S.C.S. ('LuxSCS') and LuxOpCo is vitiated by a series of fundamental errors of law and fact. These errors invalidate the decision's application of the transactional net margin method and the resulting primary finding of advantage.

3. Third plea in law, alleging that the decision violates Article 41 of the Charter of Fundamental Rights of the EU and the principle of sound administration because the decision's finding of an advantage fails to consider all of the evidence.

   — the decision does not examine the evidence on file with the required level of care and impartiality.

4. Fourth plea in law, alleging that the decision violates Article 107(1) TFEU and the duty to state reasons because the decision's finding of an advantage is premised on a royalty that violates the arm's length principle.

   — the decision's finding of an advantage implies that LuxOpCo should have paid a transfer price that manifestly deviates from the arm's length principle and is therefore unfounded.

5. Fifth plea in law, alleging that the decision violates Article 107(1) TFEU because the decision fails to show an advantage under the subsidiary line of reasoning.

   — The decision's subsidiary finding that the 2003 ATC conferred an economic advantage on LuxOpCo because it was based on three inappropriate methodological choices relies on a mischaracterisation of LuxOpCo's and LuxSCS' respective roles and is unfounded.

6. Sixth plea in law, alleging that the decision violates Article 107(1) TFEU because the decision mischaracterises the 2003 ATC as an ad hoc individual measure and as a result wrongly relies on a presumption of selectivity.

   — based on a mischaracterisation of the 2003 ATC as an ad hoc individual measure, the decision under its primary finding of selectivity erroneously applies a presumption of selectivity to find that the 2003 ATC is selective in nature.

7. Seventh plea in law, alleging that the decision violates Article 107(1) TFEU and the principle of legal certainty because the decision's selectivity analysis relies on a flawed reference framework.

   — under its subsidiary findings of selectivity, the decision improperly excludes Luxembourg's general administrative practice concerning transfer pricing from the reference framework, in violation of the applicable case law.

8. Eighth plea in law, alleging that the decision violates the principles of legal certainty, retroactivity, and non-discrimination, and an essential procedural requirement because it assesses the validity of the 2003 ATC by reference to post-dating OECD Guidelines.

   — the decision retroactively and discriminatorily applies, and improperly holds the applicants and Luxembourg to, standards in the 2017 OECD Guidelines on transfer pricing first issued after the Commission opened the procedure under Article 108(2) TFEU, and long after the adoption of the 2003 ATC.

9. Ninth plea in law, alleging that the decision violates Article 17 of Regulation 2015/1589 ([2]) because the decision orders the recovery of aid even though the applicable limitation period had already expired.

   — the decision's recovery order is unlawful because the ten-year limitation period provided for in Article 17 of Regulation 2015/1589 has expired.

([1]) Commission Decision (EU) 2018/859 of 4 October 2017 on State aid SA.38944 (2014/C) (ex 2014/NN) implemented by Luxembourg to Amazon (notified under document C(2017) 6740) (OJ 2018 L 153, p. 1)

([2]) 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)

Action brought on 9 June 2018 — J. García Carrión v EUIPO — Codorníu (JAUME CODORNÍU)

(Case T-358/18)

(2018/C 276/83)

Language in which the application was lodged: Spanish

Parties

Applicant: J. García Carrión, SA (Jumilla, Spain) (represented by: E. Arsuaga Santos, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Codorníu, SA (Esplugues de Llobregat, Spain)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Other party to the proceedings before the Board of Appeal

Trade mark at issue: European Union word mark JAUME CORDORNÍU — Application for registration No 14 543 599

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 11 April 2018 in Case R 451/2017-4

Form of order sought

The applicant claims that the Court should:

— annul the contested decision and refuse mark no 14 543 599 in Class 33;

— order EUIPO to pay the costs.

Plea in law

Infringement of Article 8(1)(b) and (5) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 11 June 2018 — Unifarco v EUIPO — GD Tecnologie Interdisciplinari Farmaceutiche (TRICOPID)

(Case T-359/18)

(2018/C 276/84)

Language in which the application was lodged: Italian

Parties

Applicant: Unifarco SpA (Santa Giustina, Italy) (represented by: A. Perani and J. Graffer, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: GD Tecnologie Interdisciplinari Farmaceutiche Srl (Rome, Italy)

Details of the proceedings before EUIPO

Applicant for the trade mark at issue: Applicant before the General Court

Trade mark at issue: European Union word mark 'TRICOPID' – Application for registration No 14 287 056

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 13 March 2018 in Case R 2150/2017-5

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— order EUIPO and the other party to pay the costs of the present proceedings as well as of those of the proceedings before the Opposition Division and the Board of Appeal of EUIPO.

Pleas in law

— Infringement and misapplication of Article 47(2)(3) of Regulation (EU) 2017/1001 of the Parliament and of the Council;

— Infringement and misapplication of Article 8(1)(b) of Regulation (EU) 2017/1001 of the Parliament and of the Council.

Action brought on 8 June 2018 — APEDA v EUIPO — Burraq Travel & Tours General Tourism Office (SIR BASMATI RICE)

(Case T-361/18)

(2018/C 276/85)

Language of the case: English

Parties

Applicant: Agricultural and Processed Food Products Export Development Authority (APEDA) (New Delhi, India) (represented by: N. Dontas, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Burraq Travel & Tours General Tourism Office SA (Athens, Greece)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Other party to the proceedings before the Board of Appeal

Trade mark at issue: EU figurative mark SIR BASMATI RICE — EU trade mark No 13 102 454

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 22 March 2018 in Case R 90/2017-2

Form of order sought

The applicant claims that the Court should:

— annul the contested decision, except insofar as it concerns 'sago' and 'artificial rice [uncooked]' covered by the contested EUTM in Class 30;

— declare the European Union Trade Mark invalid in its entirety;

— order EUIPO to pay the costs incurred by the applicant in the course of the proceedings before the General Court, the Board of Appeal and the Cancellation Division of the EUIPO.

Pleas in law

— Infringement of Article 59(1)(a) in conjunction with Article 7(1)(g) of Regulation (EU) 2017/1001 of the European Parliament and of the Council, on the absolute ground of invalidity/refusal regarding deceptiveness;

— Infringement of Article 59(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council, on the absolute ground of invalidity regarding filing of an EUTM in bad faith;

— Infringement of Article 59(1)(a) in conjunction with Article 7(1)(c) of Regulation (EU) 2017/1001 of the European Parliament and of the Council, on the absolute ground of invalidity/refusal regarding descriptiveness;

— Article 94(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council as regards the sufficient reasoning of EUIPO's decisions.

Action brought on 8 June 2018 — Pet King Brands v EUIPO — Virbac (SUIMOX)

(Case T-366/18)

(2018/C 276/86)

Language of the case: English

Parties

Applicant: Pet King Brands, Inc. (Bartlett, Illinois, United States) (represented by: T. Schmidpeter, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Virbac SA (Carros, France)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Other party to the proceedings before the Board of Appeal

Trade mark at issue: Application for European Union word mark SUIMOX — Application for registration No 15 039 993

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 21 March 2018 in Case R 1835/2017-5

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— order EUIPO to pay the costs.

Pleas in law

— Infringement of Article 94(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;

— Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 15 June 2018 — Sixsigma Networks Mexico/EUIPO — Marijn van Oosten Holding (UKIO)

(Case T-367/18)

(2018/C 276/87)

Language of the case: English

Parties

Applicant: Sixsigma Networks Mexico, SA de CV (Mexico, Mexico) (represented by: C. Casas Feu and J. Dorado Lopez-Lozano, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Marijn van Oosten Holding BV (Amsterdam, Netherlands)

Details of the proceedings before EUIPO

Applicant/Proprietor of the trade mark at issue: Other party to the proceedings before the Board of Appeal

Trade mark at issue: Application for European Union word mark UKIO/European Union trade mark No 15 079 023

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 22 March 2018 in Case R 1536/2017-2

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— order EUIPO and the other party to the proceedings before the Board of Appeal to pay the costs.

Plea in law

— Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 15 June 2018 — ETA Gıda Sanayi ve Ticaret v EUIPO — Grupo Bimbo (ETI Bumbo)

(Case T-368/18)

(2018/C 276/88)

Language in which the application was lodged: Spanish

Parties

Applicant: ETA Gida Sanayi ve Ticaret AŞ (Eskişehir, Turkey) (represented by: D. Canadas Arcas, P. Merino Baylos, D. Gómez Sánchez and N. Martínez de las Rivas Malagón, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Grupo Bimbo, SAB de CV (Mexico, Mexico)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Applicant in the action before the General Court

Trade mark at issue: European Union word mark ETI Bumbo — Application for registration No 14 895 585

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the First Board of Appeal of EUIPO of 11 April 2018 in Case R 1459/2017-1

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— order EUIPO to pay the costs.

Plea in law

— Infringement of Article 8(1)(b) and (5) and Article 76 of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 18 June 2018 — Napolitano v Commission

(Case T-369/18)

(2018/C 276/89)

Language of the case: Italian

Parties

Applicant: John Napolitano (Rome, Italy) (represented by: M. Velardo, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul the contested decisions;

— order the Commission to pay the costs.

Pleas in law and main arguments

The contested decisions in the present action are the decision of 27 September 2017 not to include the applicant on the reserve list for the competition EPSO/AD/324/16, the decision dated 25 October 2017 by which the request for review of the decision not to include him on the reserve list was refused, and the decision of the appointing authority of 7 March 2018 dismissing the administrative appeal brought under Article 90 of the Staff Regulations. The competition notice that is the subject of these proceedings concerned the selection of 10 senior investigators at level AD 9 to include on the reserve list on which the European Commission (principally the European Anti-fraud Office — OLAF) was to draw for the recruitment of new administrative officials to manage a group of investigators in the fields of EU expenditure, the fight against corruption, serious irregularities of EU staff, customs and trade, tobacco and counterfeit goods.

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

1. First plea in law, alleging infringement of the provisions governing the languages to be used by the European Institutions, particularly Articles 1, 2 and 6 of Regulation No 1/58, of the prohibition of discrimination with regards to language, of the principle of proportionality under Article 5 TFEU, and of Article 27 of the Staff Regulations.

2. Second plea in law, alleging infringement of the duty of impartiality by the Chairman of the Examining Board and of Article 3 of Annex III to the Staff Regulations.

3. Third plea in law, alleging infringement of the competition notice by the Examining Board, in so far as, first, in counting the points obtained in the multiple choice test and in the test on general competencies, that Board acted unlawfully by conflating two separate concepts (namely 'minimum score required' and 'eliminatory') and, second, when assigning the case-study relating to the general test, it chose subjects that were too specific and gave an advantage to those who already had experience at the European Anti-fraud Office.

4. Fourth plea in law, alleging infringement of the principle of equality between candidates, as well as a lack of objectivity in the evaluations owing to the instability of the Examining Board.

5. Fifth plea in law, alleging an error of assessment, in the light of the large discrepancy between the individual discretionary appraisals of the Examining Board. Moreover, it is not clear from reading the general provisions that the tests were to be considered entirely separately.

Action brought on 18 June 2018 — Reiner Stemme Utility Air Systems/EASA

(Case T-371/18)

(2018/C 276/90)

Language of the case: English

Parties

Applicant: Reiner Stemme Utility Air Systems GmbH (Wildau, Germany) (represented by: O. Alexander and P. Stompfe, lawyers)

Defendant: European Aviation Safety Agency (EASA)

Form of order sought

The applicant claims that the Court should:

— declare the notification of charges — invoice No 90091554 dated 28 April 2017 issued by the defendant — in the form of the Decision of the EASA Board of Appeal dated 19 April 2018 to be null and void;

— declare Commission Regulation (EU) No 319/2014 ([1]) of 27 March 2014 on the fees and charges levied by the European Aviation Safety Agency to be inapplicable in the present case;

— suspend the application of invoice No 90091554 dated 28 April 2017 until the Court has rendered its decision; and

— 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 four pleas in law.

1. First plea in law, alleging that the Commission exceeded its competence in levying taxes in the area of air safety

The applicant puts forward that 'fees' for airplanes in the category of 2 000 — 5 700 kg would elevate to be taxes, due to the 'dramatic jump' of the 'flat fee' of more than 1 700 percent. In this particular case, the defendant's service for the citizen in return for the 'fees' would be so negligible (minimal), that one could not consider the defendant's service as a return, but it would constitute taxation.

However, the Commission would have no competence to levy taxes in the field of air safety. Therefore, Commission Regulation (EU) No 319/2014 prescribing a flat fee in the amount of EUR 263 800 for certification tasks for airplanes such as the applicant's, which is allegedly largely unrelated to the actual tasks performed by the defendant and, thus, would not constitute consideration for the defendant's services rendered, would violate the principle of conferral.

2. Second plea in law, alleging that the contested invoice as confirmed by the contested decision, constitutes a violation of Article 16 of the Charter of Fundamental Rights of the European Union

Pursuant to the applicant, the fees it charged based on Regulation (EU) No 319/2014 for the given certification task would be out of proportion to the objective pursued and, thus, in violation with the applicant's freedom to conduct business in accordance with Article 16 of the Charter of Fundamental Rights of the European Union.

3. Third plea in law, alleging that the contested invoice as confirmed by the contested decision, constitutes a discriminatory treatment and hence, is in violation of Article 20 of the Charter of Fundamental Rights of the European Union

The contested invoice issued by the defendant pursuant to Regulation (EU) No 319/2014 would not meet the requirements of Article 20 of the Charter of Fundamental Rights of the European Union, since the applicant would be treated differently compared to other aircraft manufactures seeking a type certification, although the situation requires the same treatment.

4. Fourth plea in law, alleging an infringement of Article 13(2) TEU

Finally, the applicant claims that Article 7(2) of Regulation (EU) No 319/2014 would not leave any discretion to the defendant concerning the payment of fees for the certification task. Rather, it would determine when the fee to be paid shall be a flat fee or a variable fee. By that, the Commission would have exceeded its authorisation to adopt the regulation, and thus violated the institutional balance of the Union set out in Article 13(2) TEU.

([1]) Commission Regulation (EU) No 319/2014 of 27 March 2014 on the fees and charges levied by the European Aviation Safety Agency, and repealing Regulation (EC) No 593/2007 (OJ 2014 L 93, p. 58).

Action brought on 22 June 2018 — NHS v EUIPO — HLC SB Distribution (CRUZADE)

(Case T-378/18)

(2018/C 276/91)

Language of the case: English

Parties

Applicant: NHS, Inc. (Santa Cruz, California, United States) (represented by: P. Olson, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: HLC SB Distribution, SL (Irún, Spain)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Other party to the proceedings before the Board of Appeal

Trade mark at issue: Application for European Union word mark CRUZADE — Application for registration No 13 528 112

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 13 April 2018 in Case R 1217/2017-5

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— reject EUTMA 013 528 112 for 'skateboards and their parts';

— order EUIPO to pay the costs.

Plea in law

— Infringement of Article 8 (1)(b) and 8 (5) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 25 June 2018 — Engel v EUIPO — F. Engel (ENGEL)

(Case T-381/18)

(2018/C 276/92)

Language of the case: English

Parties

Applicant: Engel GmbH (Pfullingen, Germany) (represented by: C. Pfitzer, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: F. Engel K/S (Haderslev, Denmark)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Applicant before the General Court

Trade mark at issue: International registration designating the European Union in respect of the figurative mark ENGEL — International registration designating the European Union No 1 178 629

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 26 March 2018 in Case R 1423/2017-2

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— order EUIPO to pay the costs;

— to stay the proceedings until decisions have been made upon request for invalidation of F.ENGEL's trademarks.

Pleas in law

— Infringement of Article 20(7)(c) of the Commission Regulation (EC) N° 2868/95;

— Violation of due process.

Order of the General Court of 19 June 2018 — UE v Commission

(Case T-487/17) ([1])

(2018/C 276/93)

Language of the case: English

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

([1]) OJ C 357, 23.10.2017.

Order of the General Court of 20 June 2018 — Teollisuuden Voima v Commission

(Case T-620/17) ([1])

(2018/C 276/94)

Language of the case: English

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

([1]) OJ C 402, 27.11.2017.

Order of the General Court of 19 June 2018 — UE v Commission

(Case T-148/18) ([1])

(2018/C 276/95)

Language of the case: English

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

([1]) OJ C 166, 14.5.2018.

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