

Order of the President of the General Court of 19 September 2012 — Greece v Commission

(Case T-52/12 R)

(Application for interim measures — State aid — Compensation payments made in 2008 and 2009 by the Greek Agricultural Insurance Organisation (ELGA) — Decision declaring the aid incompatible with the internal market and ordering its recovery — Application for suspension of operation of the decision — Prima facie case — Urgency — Weighing up of interests)

(2012/C 355/57)

Language of the case: Greek

Parties

Applicant: Hellenic Republic (represented by: I. Khalkias and S. Papaioannou, acting as Agents)

Defendant: European Commission (represented by: D. Triantafyllou and S. Thomas, acting as Agents)

Re:

Application for suspension of operation of Commission Decision 2012/157/EU of 7 December 2011 concerning compensation payments made by the Greek Agricultural Insurance Organisation (ELGA) for the years 2008 and 2009 (OJ 2012 L 78, p. 21).

Operative part of the order

1. *The operation of Commission Decision 2012/157/EU of 7 December 2011 concerning compensation payments made by the Greek Agricultural Insurance Organisation (ELGA) in 2008 and 2009 is suspended in so far as that decision obliges the Hellenic Republic to recover the sums paid from the beneficiaries.*

2. *Costs are reserved.*

Action brought on 25 September 2012 — CW v Council

(Case T-162/12)

(2012/C 355/58)

Language of the case: French

Parties

Applicant: CW (Paris, France) (represented by: A. Tekari, lawyer)

Defendant: Council of the European Union

Form of order sought

— declare the application admissible and well founded;

— consequently, declare Decision 2012/50/CFSP null and void in all its effects, in so far as it relates to the applicant;

— order the Council to pay the costs, as well as EUR 2 500 000 in respect of non-recoverable expenses.

Pleas in law and main arguments

In support of the action, the applicant relies on five pleas in law, alleging (i) an infringement of the rules of procedure and the rights of the defence; (ii) a lack of legal basis; (iii) an infringement of Article 1 of Decision 2011/72/CFSP⁽¹⁾ and an insufficient statement of reasons; (iv) an error of assessment; and (v) a disproportionate infringement of the right to property and of entrepreneurial freedom.

⁽¹⁾ Council Decision 2011/72/CFSP of 31 January 2011 concerning restrictive measures directed against certain persons and entities in view of the situation in Tunisia (OJ 2011 L 28, p. 62).

Action brought on 8 August 2012 — Harper Hygienics v OHIM — Clinique Laboratories (CLEANIC natural beauty)

(Case T-363/12)

(2012/C 355/59)

Language in which the application was lodged: Polish

Parties

Applicant: Harper Hygienics S.A. (Warsaw, Poland) (represented by: R. Rumpel, legal adviser)

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

Other party to the proceedings before the Board of Appeal: Clinique Laboratories LLC (New York, United States)

Form of order sought

The applicant claims that the Court should:

— annul the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 25 May 2012 (Case R 1134/2001-2) refusing registration of 'CLEANIC natural beauty' as a Community trade mark for goods in Classes 3, 5 and 16;

— amend the contested decision by registration of the trade mark for all the goods and services applied for;

— order the defendant to pay the costs.