Secondly, the applicants claim that, by maintaining the prohibition on importation, the Commission infringed the principle of proportionality and the principles of effective work because it failed to take into consideration the current state of the data or the current state of scientific knowledge. The worldwide prohibition on the importation of wild birds continues to be based on knowledge and assumptions dating from 2005, at a time when avian influenza, originating in Asia, spread for the first time in Europe and where it was necessary to act quickly. According to the applicants, the data collected over the following years do not justify, in any event since 2010, such a geographically wide prohibition on importation. Furthermore, it was clearly necessary in the meantime to make provision for other more effective and much less restrictive methods for the applicants such as consistent surveillance of migrating birds.

Third, the applicants maintain that they suffered an actual and certain damage and that there is a causal link between that damage and the Commission's unlawful behaviour.

Action brought on 16 December 2014 — Mezhdunaroden tsentar za izsledvane na maltsinstvata i kulturnite vzaimodeystvia v Commission

(Case T-819/14)

(2015/C 089/37)

Language of the case: Bulgarian

Parties

Applicant: Mezhdunaroden tsentar za izsledvane na maltsinstvata i kulturnite vzaimodeystvia (Sofia, Bulgaria) (represented by: Hristo Hristev, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul the European Commission act contained in its letter under reference number ARES (2014) 2848632 01/09/2014 and in debit note No 3241409948 attached to that letter under reference number ARES (2014) 2848632 01/09/2014;

— reimburse the applicant the costs it incurred during the proceedings;

— in the alternative, in the event that the action for annulment is dismissed, order the defendant, in accordance with the second subparagraph of Article 87(3) of the Rules of Procedure of the General Court, to pay the costs incurred by the applicant, in so far as the defendant deliberately ensured that the applicant would have to bear those costs.

Pleas in law and main arguments

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

First plea in law, alleging that the applicant's action is admissible, in the light of the fact that the contested act must be regarded as an adopted act, in the context of the exercise of public powers, in relation to a third party who thereby acquires an interest in challenging the finding that it committed an infringement, and that finding constitutes a necessary prerequisite for the adoption of measures which adversely affect it.

Second plea in law, alleging that the Commission infringed the principle of sound administration, in so far as, first, it failed to carry out an examination of the facts of the dispute which was complete in all respects, objective and consistent, or an examination of the legal arguments put forward by the person concerned and in so far as, secondly, it failed to provide reasons for its act.

Third plea in law, alleging that the Commission infringed the principle of legal certainty in so far as the operative part of the act is unclear, in particular concerning the nature of that act.

Fourth plea in law, alleging that the Commission infringed the principle of the protection of legitimate expectations, in so far as, in the absence of comments from the Commission regarding earlier projects, whether concerning their implementation or the treatment of financial documents, the applicant acquired a legitimate expectation that its documentation was correctly treated and that it was not necessary to provide corrections, whether to ongoing or future projects, since its legitimate expectation was created by a reliable source, namely the European Commission.

Action brought on 24 December 2014 — August Brötje v OHIM (HydroComfort)

(Case T-845/14)

(2015/C 089/38)

Language of the case: German

Parties

Applicant: August Brötje GmbH (Rastede, Germany) (represented by: S. Pietzcker and C. Spintig, lawyers)

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

Details of the proceedings before OHIM

Trade mark at issue: Community word mark 'HydroComfort' — Application No 12 233 763

Contested decision: Decision of the Fifth Board of Appeal of OHIM of 23 October 2014 in Case R 1302/2014-5

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— order OHIM to pay the costs.

Pleas in law

— Infringement of 7(1)(b) of Regulation No 207/2009;

— Infringement of 7(1)(c) of Regulation No 207/2009.

Action brought on 9 January 2015 — Ball Europe v OHIM — Crown Hellas Can

(Case T-9/15)

(2015/C 089/39)

Language in which the application was lodged: German

Parties

Applicant: Ball Europe GmbH (Zürich, Switzerland) (represented by: A. Renck, lawyer)

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