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(2013/C 298/01)

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V

(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Request for a preliminary ruling from the Landgericht Dortmund (Germany) lodged on 26 June 2013 — Cartel Damage Claims Hydrogen Peroxide SA (CDC) v Evonik Degussa GmbH, Akzo Nobel N.V., Solvay SA, Kemira Oyj, Arkema France, FMC Foret SA, Chemoxal SA, Edison SpA

(Case C-352/13)

(2013/C 298/02)

Language of the case: German

Referring court

Landgericht Dortmund

Parties to the main proceedings

Applicant: Cartel Damage Claims Hydrogen Peroxide SA (CDC)

Defendant: Evonik Degussa GmbH, Akzo Nobel N.V., Solvay SA, Kemira Oyj, Arkema France, FMC Foret SA, Chemoxal SA, Edison SpA

Questions referred

1. (a) Is Article 6(1) of Council Regulation (EC) No 44/2001 [1] of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters to be interpreted as meaning that, in the case of an action in which a defendant domiciled in the same State as the court and other defendants domiciled in other Member States of the European Union are together the subject of an application for disclosure and damages on account of a single and continuous infringement of Article 81 EC/Article 101 TFEU and Article 53 of the EEA Agreement which has been established by the European Commission and committed in several Member States and in which the defendants have participated in different places and at different times, it is expedient to hear and determine those applications together to avoid the risk of irreconcilable judgments resulting from separate proceedings?

   (b) Is it significant in this regard if the action against the defendant domiciled in the same State as the court is withdrawn after having been served on all the defendants, before the expiry of the time-limits prescribed by the court for lodging a defence and before the start of the first hearing?

2. Is Article 5(3) of Regulation (EC) No 44/2001 to be interpreted as meaning that, in the case of an action for disclosure and damages brought against defendants domiciled in a number of Member States of the European Union on account of a single and continuous infringement of Article 81 EC/Article 101 TFEU and Article 53 of the EEA Agreement which has been established by the European Commission and committed in several Member States and in which the defendants have participated in different places and at different times, the harmful event occurred in relation to each defendant and in relation to all heads of damage claimed or the overall loss in those Member States in which cartel agreements were concluded and implemented?

3. In the case of actions for damages for infringement of the prohibition of agreements, decisions and concerted practices contained in Article 81 EC/Article 101 TFEU and Article 53 of the EEA Agreement, does the requirement of effective enforcement of the prohibition of agreements, decisions and concerted practices laid down in European Union law allow account to be taken of arbitration and jurisdiction clauses contained in contracts for the supply of goods, where this has the effect of excluding the jurisdiction of a court with international jurisdiction under Article 5(3) and/or Article 6(1) of Regulation (EC) No 44/2001 in relation to all the defendants and/or all or some of the claims brought?

[1] Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ 2001 L 12, p. 1).

Request for a preliminary ruling from the Curtea de Apel Cluj (Romania) lodged on 16 July 2013 — Vasiliki Balazs v Casa Județeană de Pensii Cluj

(Case C-401/13)

(2013/C 298/03)

Language of the case: Romanian

Referring court

Curtea de Apel Cluj

Parties to the main proceedings

Applicant at first instance: Vasiliki Balazs

Defendant at first instance: Casa Județeană de Pensii Cluj

Question referred

Is Article 7(2)(c) of Regulation (EEC) No 1408/71 ([1]) to be interpreted as including within its scope a bilateral agreement which two Member States entered into before the date on which that regulation became applicable and by which the two states agreed to the termination of obligations relating to social security benefits owed by one state to nationals of the other state who had been political refugees in the territory of the first state and who have been repatriated to the territory of the second state, in exchange for a payment by the first state of a lump sum for the payment of pensions and to cover periods during which social security contributions were paid in the first Member State?

([1]) Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community (OJ, English Special Edition 1971 (II), p. 416).

Appeal brought on 19 July 2013 by Franz Wilhelm Langguth Erben GmbH & Co. KG against the judgment delivered on 20 February 2013 in Case T-378/11 Franz Wilhelm Langguth Erben GmbH & Co. KG v Office for Harmonisation in the Internal Market (Trade Marks and Designs)

(Case C-412/13 P)

(2013/C 298/04)

Language of the case: German

Parties

Appellant: Franz Wilhelm Langguth Erben GmbH & Co. KG (represented by: R. Kunze and G Würtenberger, Rechtsanwälte)

Other party to the proceedings: Office for Harmonisation in the Internal Market (Trade Marks and Designs)(OHIM)

Forms of order sought

The Appellant claims that the Court should:

— set aside the judgment of the General Court of 20 February, dismissing an action against the decision of the Fourth Board of Appeal of OHIM of 10 May 2011 (Case R-1598/2010-4) relating to a claim of seniority of earlier marks;

— order OHIM to pay the costs.

Pleas in law and main arguments

The appeal is brought against the judgment of the General Court dismissing the Appellant's claim for annulment of the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 10 May 2011 relating to a claim of seniority of earlier marks in an application for registration of the figurative sign MEDINET as a Community trade mark.

The General Court infringed Article 34 of Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark by holding that that provision was to be interpreted narrowly and did not allow the seniority of part of an earlier national mark to be claimed. It further infringed its duty to state reasons under Article 75 of Regulation No 207/2009, in that it came to its decision on the basis of incomplete factual and legal considerations. Finally, the decision of the General Court without an oral procedure constituted a breach of Article 77 of Regulation No 207/2009.

Appeal brought on 22 July 2013 by Reber Holding GmbH & Co. KG against the judgment of the General Court (Fifth Chamber) delivered on 16 May 2013 in Case T-530/10 Reber Holding GmbH & Co. KG v Office for Harmonisation in the Internal Market (Trade Marks and Designs)

(Case C-414/13 P)

(2013/C 298/05)

Language of the case: German

Parties

Appellant: Reber Holding GmbH & Co. KG (represented by: O. Spuhler, M. Geitz, lawyers)

Other party to the proceedings: Office for Harmonisation in the Internal Market (Trade Marks and Designs), Anna Klusmeier

Form of order sought

The appellant claims that the Court should:

I. Set aside the judgment of the General Court of 16 May 2013 in Case T-530/10 and annul the decision of the Fourth Board of Appeal of OHIM of 14 September 2010 in Case R 363/2008-4;

II. In the alternative,

set aside the judgment referred to in point I. above and refer the matter back to the General Court;

III. Order the respondent to pay the costs of the proceedings.

Pleas in law and main arguments

By its appeal the appellant puts forward a complaint of infringement of substantive Community law and an incomplete review and assessment of the factual basis. It claims that the General Court incompletely assessed the factual basis in this case which constitutes an error in law (judgment of the Court of Justice in Case C-51/09 P *Becker* v *Harman International Industries* ([1])). This may be invoked before the Court of Justice in the context of an appeal (see Case C-317/10 P *Union Investment Privatfonds* v *UniCredito Italiano* ([2])).

In the judgment under appeal the General Court assumes that the presented declaration in lieu of an oath makes no reference to the further evidence submitted. This assertion is inaccurate. It is clear from the declaration that reference is made to the further evidence attached. Therefore, the General Court did not fully review and assess the declaration. This therefore concerns an error in law in the judgment under appeal, which may be raised at the appeal stage.

If the General Court had fully reviewed and assessed the evidence before it, then it would have found genuine use of both of the marks cited in opposition pursuant to the first sentence of Article 42(2) and of Article 42(3) of the Community trade mark Regulation ([3]) (Regulation No 40/94). Consequently the judgment under appeal also infringes the first sentence of Article 42(2) and of Article 42(3) of Regulation No 40/94.

In addition, the judgment under appeal also infringes Article 15(1) and (2)(a) of Regulation No 40/94. The General Court erred in law by stating that mark No 115 1 678 cited in opposition, 'W. Amadeus Mozart' is not used as a mark.

([1]) [2010] ECR I-5805.
([2]) [2011] ECR I-5471.
([3]) Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark, OJ 1994 L 11, p. 1.

Request for a preliminary ruling from the Curtea de Apel Cluj (Romania) lodged on 31 July 2013 — Casa Județeană de Pensii Cluj v Attila Balazs

(Case C-432/13)

(2013/C 298/06)

Language of the case: Romanian

Referring court

Curtea de Apel Cluj

Parties to the main proceedings

Appellant: Casa Județeană de Pensii Cluj

Respondent: Attila Balazs

Question referred

Is Article 7(2)(c) of Regulation (EEC) No 1408/71 ([1]) to be interpreted as including within its scope a bilateral agreement which two Member States entered into before the date on which that regulation became applicable and by which the two states agreed to the termination of obligations relating to social security benefits owed by one state to nationals of the other state who had been political refugees in the territory of the first state and who have been repatriated to the territory of the second state, in exchange for a payment by the first state of a lump sum for the payment of pensions and to cover periods during which social security contributions were paid in the first Member State?

([1]) Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community (OJ, English Special Edition 1971 (II), p. 416).

Reference for a preliminary ruling from Court of Appeal (England & Wales) (Civil Division) (United Kingdom) made on 2 August 2013 — E. v B.

(Case C-436/13)

(2013/C 298/07)

Language of the case: English

Referring court

Court of Appeal (England & Wales) (Civil Division)

Parties to the main proceedings

Applicant: E.

Defendant: B.

Questions referred

1. Where there has been a prorogation of the jurisdiction of a court of a Member State in relation to matters of parental responsibility pursuant to Article 12(3) of the Council Regulation [1], does that prorogation of jurisdiction only continue until there has been a final judgment in those proceedings or does it continue even after the making of a final judgment?

2. Does Article 15 of the Council Regulation allow the courts of a Member State to transfer a jurisdiction in circumstances where there are no current proceedings concerning the child?

[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 L 338, p. 1

GENERAL COURT

Order of the President of the General Court of 29 August 2013 — Iran Liquefied Natural Gas Co. v Council

(Case T-5/13 R)

(Application for interim measures — Common foreign and security policy — Restrictive measures against Iran — Freezing of funds and economic resources — Prohibition of the execution of ongoing trade contracts — Application for suspension of the operation of a measure — Manifest inadmissibility of the plea of illegality on which the application is based — Inadmissibility of the application)

(2013/C 298/08)

Language of the case: English

Parties

Applicant: Iran Liquefied Natural Gas Co. (Tehran, Iran) (represented by: J. Grayston, Solicitor, G. Pandey, P. Gjørtler and D. Rovetta, lawyers)

Defendant: Council of the European Union (represented by: M. Bishop and A. De Elera, Agents)

Re:

Application for suspension of the operation, first, of Council Decision 2012/635/CFSP of 15 October 2012 amending Decision 2010/413/CFSP concerning restrictive measures against Iran (OJ 2012 L 282, p. 58), and Council Implementing Regulation (EU) No 945/2012 of 15 October 2012 implementing Regulation (EU) No 267/2012 concerning restrictive measures against Iran (OJ 2012 L 282, p. 16), in so far as those acts include the applicant in the list of persons and entities made subject to the restrictive measures, and, secondly, of Article 1(5) of Council Regulation (EU) No 1263/2012 of 21 December 2012 amending Regulation (EU) No 267/2012 (OJ 2012 L 356, p. 34), in so far as that act makes it impossible to perform the contracts concluded by the applicant with partners established in the European Union.

Operative part of the order

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

2. *The costs are reserved.*

Order of the General Court of 12 July 2013 — Exakt Advanced Technologies v OHIM — Exakt Precision Tools (EXAKT)

(Case T-37/13) ([1])

(Community trade mark — Application for a declaration of invalidity — Withdrawal of the application — No need to adjudicate)

(2013/C 298/09)

Language of the case: German

Parties

Applicant: Exakt Advanced Technologies GmbH (Norderstedt, Germany) (represented by: A. von Bismarck, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM: Exakt Precision Tools Ltd (Aberdeen, United Kingdom)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 29 October 2012 (Case R 1764/2011-1) relating to invalidity proceedings between Exakt Advanced Technologies GmbH and Exakt Precision Tools Ltd.

Operative part of the order

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

2. *The applicant is ordered to pay its own costs and to pay those incurred by the defendant.*

([1]) OJ C 86, 23.3.2013.

Order of the General Court of 8 July 2013 — ClientEarth and Stichting BirdLife Europe v European Commission

(Case T-56/13) ([1])

(Access to documents of the institutions — Document held by the Commission concerning European Union energy policy — Implied refusal of access — Express decision adopted after the action was brought — No need to adjudicate)

(2013/C 298/10)

Language of the case: English

Parties

Applicants: ClientEarth (London, United Kingdom); and Stichting BirdLife Europe (Zeist, Netherlands) (represented by: O. Brouwer, lawyer)

Defendant: European Commission (represented by: F. Clotuche-Duvieusart, acting as Agent)

Re:

Application for the annulment of the Commission's implied decision to refuse the applicants access to a document concerning European Union energy policy.

Operative part of the order

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

2. *The European Commission shall bear its own costs and pay those incurred by ClientEarth and Stitching BirdLife Europe.*

([1]) OJ C 101, 6.4.2013.

Order of the President of the General Court of 29 August 2013 — France v Commission

(Case T-366/13 R)

(Interim relief — State aid — Aid implemented in favour of companies responsible for the public service of providing maritime transport services between Corsica and Marseille — Compensation paid in respect of additional services provided to cover peak periods during the tourist season — Decision classifying that aid as incompatible with the internal market and ordering the recovery of that aid from the recipients — Application for stay of execution — No urgency)

(2013/C 298/11)

Language of the case: French

Parties

Applicant: French Republic (represented by: E. Belliard, N. Rouam, G. de Bergues and D. Colas, acting as Agents)

Defendant: European Commission (represented by: M. Afonso and B. Stromsky, acting as Agents)

Re:

APPLICATION for stay of execution of Decision C(2013) 1926 final of the European Commission of 2 May 2013 on State aid No SA.22843 (2012/C) (ex 2012/NN) implemented by France in favour of the Société nationale Corse Méditerranée and the Compagnie méridionale de navigation.

Operative part of the order

1. *The application for interim relief is rejected.*

2. *Costs are reserved.*

Action brought on 18 June 2013 — Commission v Thales développement et coopération

(Case T-326/13)

(2013/C 298/12)

Language of the case: French

Parties

Applicant: European Commission (represented by: R. Lyal and B. Conte, acting as Agents, and by N. Coutrelis, lawyer)

Defendant: Thales développement et coopération SAS (Vélizy-Villacoublay, France)

Form of order sought

The applicant claims that the General Court should:

— order Thales to repay to the European Commission all the sums received under the NEMECEL and DREAMCAR contracts, namely, in relation to the NEMECEL contract, the principal sum of EUR 700 335,66 plus interest outstanding and, in relation to the DREAMCAR contract, the principal sum of EUR 812 821,43 plus interest outstanding;

— order Thales to pay all the costs.

Pleas in law and main arguments

Following an investigation by the European Anti-Fraud Office (OLAF), the Commission is seeking, by the action brought under Article 272 TFEU, an order from the Court that the defendant repay all of the sums received by the defendant's former subsidiary, SRTI (SRTI System, Industrial Process Department), a company that became first, SODETEG (Société d'Études Techniques et d'Entreprises Générales SA) then THALESEC (Thales Engineering and Consulting), in connection with two research contracts known as 'NEMECEL' and 'DREAMCAR'.

The Commission claims that the sums at issue were wrongly paid, following serious financial irregularities, non-compliance with contractual obligations and breaches of fundamental rules of law. The defendant's subsidiary inter alia declared excessive costs by over-billing for hours not worked.

Action brought on 3 July 2013 — Kadhaf Al Dam v Council and Commission

(Case T-348/13)

(2013/C 298/13)

Language of the case: French

Parties

Applicant: Ahmed Mohammed Kadhaf Al Dam (Cairo, Egypt) (represented by: H. de Charette, lawyer)

Defendants: European Commission and Council of the European Union

Form of order sought

The applicant claims that the General Court should:

— declare inapplicable to the applicant:

  — the Decision to maintain 2013/182 of 22 April 2013 amending Decision 2011/137/CFSP of 28 February 2011 concerning restrictive measures in view of the situation in Libya, in so far as it did not remove the applicant's name from Annex II and Annex IV to Decision 2011/137/CFSP;

  — Decision 2011/137/CFSP of 28 February 2011 concerning restrictive measures in view of the situation in Libya in so far as Annexes II and IV thereto include the applicant's name;

  — Regulation of the Council of the European Union 204/2011 of 2 March 2011 concerning restrictive measures in view of the situation in Libya in so far as Annex III thereto includes the applicant's name;

— order the Council and the Commission to pay the symbolic amount of EUR 1 as compensation for damage suffered;

— order the Council and the Commission to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging infringement of fundamental rights, is in four parts based on:

   — an infringement of the applicant's rights of the defence, since the applicant was not given a hearing prior to the adoption of the restrictive measures against him;

   — the failure to notify the applicant of the contested measures, notwithstanding the fact that his address was known to the authorities;

   — a failure to state reasons, since the statement of reasons set out in the contested measures in support of the restrictive measures taken against the applicant bears no relation either to the situation in Libya at that time or to the objectives pursued;

   — the failure to hold a hearing.

2. Second plea in law, alleging infringement of the right to property, is in two parts based on:

   — there being no public benefit from or public interest in the restrictive measures taken against the applicant, since the applicant has officially broken off relations with the Libyan government;

   — a lack of legal certainty.

Appeal brought on 4 July 2013 by Giorgio Lebedef against the judgment of the Civil Service Tribunal of 24 April 2013 in Case F-56/11, Lebedef v Commission

(Case T-356/13 P)

(2013/C 298/14)

Language of the case: French

Parties

Appellant: Giorgio Lebedef (Senningerberg, Luxembourg) (represented by F. Frabetti, lawyer)

Other party to the proceedings: European Commission

Form of order sought by the appellant

The appellant claims that the Court should:

— set aside the judgment of the Civil Service Tribunal of 24 April 2013 in Case F-56/11 *Lebedef* v *Commission*, in respect of an application for annulment of the decision in disciplinary proceedings of 6 July 2010 downgrading the appellant by two grades in the same function group;

— grant the appellant's form of order sought at first instance;

— in the alternative, refer the case back to the Civil Service Tribunal;

— make an order as to costs and order the European Commission to pay the costs.

Pleas in law and main arguments

In support of the appeal, the appellant relies on a certain number of grounds of appeal relating to paragraphs 35, 36, 44, 45, 56, 57, 69, 70, 71, 77, 78, 86, 95 and 96 of the judgment under appeal, alleging breach of the rights of the defence and infringement of the principle of prohibition of arbitrary action, since the Civil Service Tribunal distorted and misinterpreted the facts and misread and misinterpreted the application at first instance and the contested decision.

Action brought on 22 July 2013 — Costa Crociere v OHIM — Guerlain (SAMSARA)

(Case T-388/13)

(2013/C 298/15)

Language in which the application was lodged: English

Parties

Applicant: Costa Crociere SpA (Genova, Italy) (represented by: A. Vanzetti, S. Bergia and G. Sironi, lawyers)

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

Other party to the proceedings before the Board of Appeal: Guerlain SA (Levallois-Perret, France)

Form of order sought

The applicant claims that the Court should:

— Annul the decision of the Fourth Board of Appeal of 13 May 2013 given in Case R 2049/2011-4; and

— Order the other parties to reimburse the costs incurred by the applicant before the OHIM, as well as during the present proceedings.

Pleas in law and main arguments

Applicant for a Community trade mark: The applicant

Community trade mark concerned: The verbal mark SAMSARA for services in class 44 — Community trade mark application No 8 979 122

Proprietor of the mark or sign cited in the opposition proceedings: The other party to the proceedings before the Board of Appeal

Mark or sign cited in opposition: Community trade mark registration No 497 966 of the verbal mark SAMSARA for goods in class 3

Decision of the Opposition Division: Upheld the opposition in its entirety

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law: Infringement of Article 8 (1) (b) of Council Regulation (EC) No 207/2009 on the Community trade mark [1].

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[1] OJ 2009 L 78, p. 1

Action brought on 5 August 2013 — L'Oréal v OHIM — Cosmetica Cabinas (AINHOA)

(Case T-400/13)

(2013/C 298/16)

Language in which the application was lodged: English

Parties

Applicant: L'Oréal (Paris, France) (represented by: M. Granado Carpenter and M. Polo Carreño, lawyers)

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

Other party to the proceedings before the Board of Appeal: Cosmetica Cabinas, SL (El Masnou, Spain)

Form of order sought

The applicant claims that the Court should:

— Annul the decision of the First Board of Appeal of 6 June 2013 given in Case R 1643/2012-1;

— Award the applicant the cost of proceedings.

Pleas in law and main arguments

Registered Community trade mark in respect of which a declaration of invalidity has been sought: Word mark 'AINHOA' — Community trade mark registration No 2 720 811

Proprietor of the Community trade mark: The other party to the proceedings before the Board of Appeal

Applicant for the declaration of invalidity of the Community trade mark: The applicant

Grounds for the application for a declaration of invalidity: The cancellation applicant relied on Article 8(1)(b) and 8(5) in conjunction with Article 53(1)(a) of Council Regulation (EC) No 207/2009.

Decision of the Cancellation Division: Rejected the application for a declaration of invalidity

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law: Infringement of Article 8(1)(b) and/or 8(5), in conjunction with Article 53(1)(a) of Council Regulation (EC) No 207/2009.

Action brought on 21 August 2013 — Sea Handling v Commission

(Case T-456/13)

(2013/C 298/17)

Language of the procedure: Italian

Parties

Applicant: Sea Handling SpA (Somma Lombardo, Italy) (represented by: B. Nascimbene and M. Merola, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the General Court should:

— annul the contested decision, by which the Commission refused to grant SEA Handling SpA access to the documents sought by the request of 27 February 2013;

— direct the Commission to allow the applicant to have sight of the requested documents;

— order the Commission to pay the costs.

Pleas in law and main arguments

By the present action, the applicant contests the Commission's decision refusing to grant that company access to the documents in the Commission's possession relating to the administrative procedure which had culminated in the adoption of the Commission decision of 19 December 2012 concerning the capital injections made by SEA SpA to SEA Handling SpA (Case SA.21420 — Italy/SEA Handling).

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

1. First plea in law: breach of procedural rules.

   — The applicant submits in that regard that the Commission has infringed Articles 7(1) and (3) and 8(1) and (2) of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ 2001 L 145, p. 43), as well as Articles 41 and 47 of the Charter of Fundamental Rights of the European Union, since (i) the procedure which culminated in the contested decision was characterised by periods during which communication ceased without explanation and by inadequately explained postponements and (ii) the failure to meet deadlines impacted on the applicant's rights of defence.

2. Second plea in law: infringement of Article 4(2) of Regulation No 1049/2001.

   — The applicant submits in that regard that the contested decision is vitiated by manifest error of assessment and by a breach of the obligation to state reasons, in so far as it is presumed that granting access to the documents would adversely affect the Commission's investigations, as well as those investigations which have already come to a close, but no specific information is given as to how exactly those investigations would be adversely affected.

3. Third plea in law: infringement of Article 4(2) of Regulation No 1049/2001.

   — The applicant submits in that regard that the contested decision is vitiated by manifest error of assessment and by a breach of the obligation to state reasons, in so far as the finding is made in that decision that granting access to the documents would adversely affect the commercial interests of the complainant, but no explanation is given as to what those interests might be, thereby undermining the State aid review procedure by equating private interests with the public interest in the proper conduct of investigations and interpreting liberally the interests protected by Article 4(2) of Regulation No 1049/2001.

4. Fourth plea in law: infringement of Article 4(6) of Regulation No 1049/2001 and breach of the principle of proportionality.

   — The applicant submits in that regard that the contested decision is also vitiated by the failure to consider the possibility of granting the applicant partial access to the requested documents.

5. Fifth plea in law: infringement of Article 4(2) and (3) of Regulation No 1049/2001 and breach of the principle of proportionality, read in conjunction with Article 42 of the Charter of Fundamental Rights of the European Union.

   — The applicant submits in that regard that the contested decision is also vitiated by the failure to distinguish between the exceptions applied and the public interest. In particular, the Commission refused access to the documents without taking into consideration the existence of an overriding public interest in disclosure of the requested documents, and without calculating the actual impact that such a disclosure would have on the commercial interests of third parties and on the investigations protected under Article 4(2) of Regulation No 1049/2001.

Order of the General Court of 16 July 2013 — bpost v Commission

(Case T-412/12) ([1])

(2013/C 298/18)

Language of the case: English

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

([1]) OJ C 343, 10.11.2012.

Order of the General Court of 12 July 2013 — Sun Capital Partners v OHIM — Sun Capital Partners (SUN CAPITAL)

(Case T-164/13) ([1])

(2013/C 298/19)

Language of the case: English

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

([1]) OJ C 147, 25.5.2013.

Order of the General Court of 14 August 2013 — Nordex Holding v OHIM — Fontana Food (Taverna MEDITERRANEAN WHITE CHEESE)

(Case T-301/13) ([1])

(2013/C 298/20)

Language of the case: English

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

([1]) OJ C 215, 27.7.2013.

Order of the General Court of 14 August 2013 — Nordex Holding v OHIM — Fontana Food (Taverna)

(Case T-302/13) ([1])

(2013/C 298/21)

Language of the case: English

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

([1]) OJ C 226, 3.8.2013.

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