

are automatically similar, despite the low degree of similarity in question, without ascertaining whether the differences arising from other factors were such as to neutralise that complementarity.

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(<sup>1</sup>) Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark (codified version) (OJ 2009 L 78, p. 1).

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**Appeal brought on 26 July 2013 by the Kingdom of Spain against the judgment of the General Court (First Chamber) delivered on 29 May 2013 in Case T-384/10 Kingdom of Spain v European Commission**

**(Case C-429/13 P)**

(2013/C 260/71)

*Language of the case: Spanish*

**Parties**

*Appellant:* Kingdom of Spain (represented by: A. Rubio González, acting as Agent)

*Other party to the proceedings:* European Commission

**Form of order sought**

The appellant claims that the Court of Justice should:

- in any event, uphold the appeal and set aside in part the judgment of the General Court of 29 May 2013 in Case T-384/10 *Kingdom of Spain v European Commission*;

- annul in part, as set out, Commission Decision C(2010) 4147 of 30 June 2010, reducing the assistance granted from the Cohesion Fund to the following (groups of) projects: ‘Water supply to settlements in the Guadiana basin: Andévalo area’ (2000.ES.16.C.PE.133), ‘Drainage and water treatment in the Guadalquivir basin: Guadaira, Aljarafe and the areas of natural protection of the Guadalquivir’ (2000.16.C.PE.066) and ‘Water supply to multi-municipal systems in the provinces of Granada and Málaga’ (2002.ES.16.C.PE.061); and

- in any event, order the European Commission to pay the costs.

**Grounds of appeal and main arguments**

The appellant alleges that the General Court committed an error of law in considering that any network constitutes a ‘work’ within the meaning of Article 1(c) of Council Directive 93/37/EEC (<sup>1</sup>) of 14 June 1993 concerning the coordination of procedures for the award of public works contracts.

The appellant further submits that the judgment under appeal departs from the case-law (Case C-16/98 *Commission v France* [2000] ECR I-8315) in failing to take account of the need for geographical continuity of the works taken as a whole and of the interdependence between them, namely, the interconnectivity required for the provision of services.

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(<sup>1</sup>) OJ 1993 L 199, p. 54