

Form of order sought

The applicant claims that the General Court should:

- annul the contested decision and, in particular, Article 1 thereof, in so far as it declares the existence of State aid which is incompatible with the internal market;
- annul, consequently, the recovery orders contained in Articles 3 and 4 of the contested decision, and
- order the Commission to pay the costs.

Pleas in law and main arguments

The pleas in law and principal arguments are those put forward in Case T-36/15 *HISPASAT v Commission*.

Action brought on 27 January 2015 — ASPLA and Armando Álvarez v Court of Justice of the European Union

(Case T-40/15)

(2015/C 089/51)

Language of the case: Spanish

Parties

Applicants: Plásticos Españoles, SA (ASPLA) (Torrelavega, Spain) and Armando Álvarez, SA (Madrid, Spain) (represented by: M. Troncoso Ferrer, C. Ruixó Claramunt and S. Moya Izquierdo, lawyers)

Defendant: Court of Justice of the European Union

Form of order sought

The applicants claim that the General Court should:

- primarily, order the Court of Justice of the European Union to pay compensation in the amount of EUR 3 495 038,66 for the damage caused to the applicants by the General Court's infringement of Article 47, second paragraph, of the Charter of Fundamental Rights of the European Union, to which amount must be added compensatory and default interest applied by the European Central Bank to its main refinancing operations, to which two basis points have been added, from the date the application was lodged;
- consequently order the Court of Justice of the European Union to pay the costs of the proceedings;
- in the alternative, order the European Commission to pay compensation in the amount of EUR 3 495 038,66 for the damage caused to the applicants by the General Court's infringement of Article 47, second paragraph, of the Charter of Fundamental Rights of the European Union, to which amount must be added compensatory and default interest applied by the European Central Bank to its main refinancing operations, to which two basis points have been added, from the date the application was lodged; and
- consequently order the European Commission to pay the costs of these proceedings.

Pleas in law and main arguments

The plaintiffs complain of the Court's delay in giving judgment on the actions brought by them in Cases T-76/06 *ASPLA v Commission* and T-78/06 *Armando Álvarez v Commission* in which judgment was delivered on 16 December 2011, and, on appeal, on 22 May 2014.

In support of their application, the applicants allege infringement of Article 47, second paragraph, of the Charter of Fundamental Rights of the European Union, which in their opinion is a reaffirmation of the principle of effective judicial protection, a general principle of EU law.

In their view, the existence of conduct contrary to the above provision and, accordingly, the infringement of the principle of effective judicial protection are demonstrated sufficiently clearly by the judgments of the Court in Cases C-58/12 P *Groupe Gascogne v Commission* and C-50/12 P *Kendrion NV v Commission*. It should be noted in that regard that both companies were subject to the same decision imposing penalties as Kendrion and Groupe Gascogne. Like both those companies, they brought an action against the decision imposing penalties and, in proceedings before the General Court which are very similar, if not virtually identical, to those in respect of which the Court of Justice gave judgment in the two cases cited above, were faced with a failure on the part of the General Court to observe a reasonable time for adjudication.

Action brought on 28 January 2015 — CRM v Commission

(Case T-43/15)

(2015/C 089/52)

Language of the case: Italian

Parties

Applicant: CRM Srl (Modena, Italy) (represented by: G. Forte, C. Marinuzzi and A. Franchi, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul Commission Implementing Regulation (EU) No 1174/2014 of 24 October 2014 entering a name in the register of protected designations of origin and protected geographical indications (Piadina Romagnola/Piada Romagnola (PGI)), published in the Official Journal of the European Union of 4 November 2014 (Volume L 316);
- order the Commission to pay the costs.

Pleas in law and main arguments

The present action is brought against the registration of the protected geographical indication 'Piadina Romagnola/Piada Romagnola' with regard to the fact that the reputation enjoyed by handcrafted Piadina has been extended to cover Piadina produced on an industrial scale.

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

1. First plea in law, alleging infringement and incorrect application of Article 7(1)(f)(ii) and Article 8(1)(c)(ii) of Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ 2012 L 343, p. 1).
 - The applicant claims, in that regard, that there is no evidence in the case which justifies the link to the geographical origin, and
 - that the reputation enjoyed by handcrafted Piadina has been extended to cover Piadina produced on an industrial scale.