

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 23 May 2019 in Case R 919/2018-4

Form of order sought

The applicant claims that the Court should:

- uphold the applicant's application;
- annul the contested decision;
- order EUIPO to pay the applicant's costs of this application and the proceedings before the Office.

Pleas in law

- Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 8(2)(c) of Regulation (EU) 2017/1001 of the European Parliament and of the Council,
- Infringement of Article 8(5) of Regulation (EU) 2017/1001 of the European Parliament and of the Council,
- Infringement of Article 8(4) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 25 July 2019 — Nord Stream 2 v Parlement and Conseil

(Case T-526/19)

(2019/C 305/80)

Language of the case: English

Parties

Applicant: Nord Stream 2 AG (Zug, Suisse) (represented by: L. Van den Hende, J. Penz, lawyers and M. Schonberg, Solicitor)

Defendants: European Parliament and Council of the European Union

Form of order sought

The applicants claim that the Court should:

- order the annulment of Directive (EU) 2019/692 of the European Parliament and of the Council of 17 April 2019 in its entirety;
- order the defendants to pay the applicant's costs in these proceedings.

Pleas in law and main arguments

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

1. First plea in law, alleging infringement of the general EU law principle of equal treatment as the amending Directive leaves the applicant without the prospect of derogation from the application of the rules of Directive 2009/73/EC⁽¹⁾, notwithstanding the sheer magnitude of investment that had already been incurred as at the date of adoption of the amending Directive and even before it was first proposed, whereas all other existing offshore import pipelines are eligible for derogation.
2. Second plea in law, alleging infringement of the general EU law principle of proportionality as the amending Directive is incapable of achieving its stated objectives and cannot, in any event, make a sufficiently meaningful contribution to those objectives that outweigh the burdens it imposes.
3. Third plea in law, alleging infringement of the general EU law principle of legal certainty as the amending Directive fails to incorporate appropriate adaptations with respect to the particular situation of the Applicant, but on the contrary, is specifically designed to impact it negatively.
4. Fourth plea in law, alleging misuse of powers, as the Amending Directive was adopted for a purpose other than those purposes for which the powers used to pass it were conferred.
5. Fifth plea in law, alleging breach of essential procedural requirements, as the Amending Directive was adopted in breach of requirements imposed under Protocol No 1 to the TEU and TFEU on the Role of National Parliaments in the European Union, Protocol No 2 to the TEU and TFEU on the Application of the Principles of Subsidiarity and Proportionality, and the Interinstitutional Agreement on Better Law-Making.
6. Sixth plea in law, alleging failure to state reasons as required by Article 296 TFEU.

⁽¹⁾ Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC, OJ L 211, 14.8.2009, p. 94–136.

Action brought on 24 July 2019 — Arranz de Miguel and Others v ECB and SRB**(Case T-528/19)**

(2019/C 305/81)

*Language of the case: Spanish***Parties**

Applicants: Ricardo Arranz de Miguel (Madrid, Spain), Alejandro Arranz Padierna de Villapadierna (Madrid), Felipe Arranz Padierna de Villapadierna (Madrid), Ricardo Arranz Padierna de Villapadierna (Madrid), Nicolás Arranz Padierna de Villapadierna (Madrid) (represented by: R. Pelayo Jiménez and A. Muñoz Aranguren, lawyers)

Defendants: European Central Bank and Single Resolution Board