

4. Fourth plea in law, alleging that the Contested Regulation violates the principle of proportionality.
5. Fifth plea in law, alleging that the Contested Regulation violates the principles of legal certainty and transparency.

- 
- (<sup>1</sup>) Commission Regulation (EU) 2023/334 of 2 February 2023 amending Annexes II and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for clothianidin and thiamethoxam in or on certain products, OJ 2023, L 47, p. 29.
- (<sup>2</sup>) Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC (OJ 2005 L 70, p. 1).

---

**Action brought on 29 May 2023 — Tsakiris v EUIPO — Tsakiris-Protypos Viomichania  
Trofimou-Snacks-AVEE (Le Petit Déjeuner TSAKIRIS FAMILY)**

**(Case T-303/23)**

(2023/C 286/39)

*Language in which the application was lodged: Greek*

**Parties**

*Applicant:* Tsakiris AE Paragotis & Emporias Trofimou (Thessaloniki, Greece) (represented by: A. Papaspyropoulos, lawyer)

*Defendant:* European Union Intellectual Property Office (EUIPO)

*Other party to the proceedings before the Board of Appeal:* Tsakiris-Protypos Viomichania Trofimou-Snacks-AVEE (Atalanti, Greece)

**Details of the proceedings before EUIPO**

*Proprietor of the trade mark at issue:* Applicant

*Trade mark at issue:* EU figurative mark Le Petit Déjeuner TSAKIRIS FAMILY

*Proceedings before EUIPO:* Cancellation proceedings

*Contested decision:* Decision of the First Board of Appeal of EUIPO of 16 March 2023 in Case R 1012/2020-1

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs.

**Plea in law**

- Infringement of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

---

**Action brought on 23 May 2023 — Fest v Parliament**

**(Case T-305/23)**

(2023/C 286/40)

*Language of the case: German*

**Parties**

*Applicant:* Nicolaus Fest (Zagreb, Croatia) (represented by: G. Seidel, lawyer)

*Defendant:* European Parliament

### Form of order sought

The applicant claims that the Court should:

- declare that the decision of the European Parliament of 14 March 2023 (P9\_TA(2023) 0061) on the request for waiver of the immunity of Nicolaus Fest [2022/2056 (IMM)] approving the report (A9-0055/2023) drafted by Ilana Cicurel is void.

### Pleas in law and main arguments

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

#### 1. Infringement of Article 8 of the Protocol on the Immunities and Privileges of Members of Parliament <sup>(1)</sup>

The applicant submits that the statements of which he is accused form part of a parliamentary debate on the protection of children which took place in the plenary session of the European Parliament and fall within the general interest and freedom of expression enjoyed by Members of the European Parliament. The tweet of which he is accused was a response to a tweet by a former member of the *Deutscher Bundestag* (Lower House of the German Federal Parliament), whose tweet directly addressed an accusation made by the applicant in a parliamentary debate. The applicant considers that the European Parliament should not waive his immunity on those grounds.

#### 2. Existence of a *fumus persecutionis*

The applicant suspects that the Berlin Public Prosecutor's Office, through which the prosecution is being conducted, is taking action in this case only in order to harm a political opponent or to take revenge for an embarrassment in earlier proceedings.

<sup>(1)</sup> Protocol (No 7) on the privileges and immunities of the European Union (OJ 2012 C 326, p. 266).

---

## Action brought on 26 May 2023 — British American Tobacco Polska Trading v Commission

(Case T-311/23)

(2023/C 286/41)

*Language of the case: English*

### Parties

*Applicant:* British American Tobacco Polska Trading sp. z o.o. (Warsaw, Poland) (represented by: L. Van den Hende, M. Schonberg and J. Penz-Evren, lawyers)

*Defendant:* European Commission

### Form of order sought

The applicant claims that the Court should:

- annul the European Commission's decision of 20 March 2023 impliedly refusing the applicant's requests for access to documents in request EASE 2022/6296, made pursuant to Article 8(3) of Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents; <sup>(1)</sup>
- order that the defendant pay the applicant's costs in these proceedings.