

9. Ninth plea in law: Inadequate definition of the aid

Ninth, the applicant bases its action on the contention that the defendant defined the extent of the aid in an inadequate manner.

10. Tenth plea in law: Failure to comply with the obligation to state reasons pursuant to the second paragraph of Article 296 TFEU

Tenth, the defendant infringed its obligation to state reasons in numerous ways and in a very serious manner.

Action brought on 23 February 2018 — Pink Lady America v CPVO — WAAA (Cripps Pink)

(Case T-112/18)

(2018/C 152/51)

Language in which the application was lodged: English

Parties

Applicant: Pink Lady America LLC (Yakima, Washington, United States) (represented by: R. Manno and S. Travaglio, lawyers)

Defendant: Community Plant Variety Office (CPVO)

Other party to the proceedings before the Board of Appeal: Western Australian Agriculture Authority (WAAA) (South Perth, Australia)

Details of the proceedings before CPVO

Proprietor of the Community plant variety right at issue: Other party to the proceedings before the Board of Appeal

Community Plant variety right at issue: Community Plant Variety Right No EU1640, apple variety Cripps Pink

Procedure before CPVO: Proceedings for a declaration of invalidity.

Contested decision: Decision of the Board of Appeal of CPVO of 14 September 2017 in Case A007/2016

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- annul the Cripps Pink apple tree variety CPVR No 1640 for lack of novelty according to Article 10 along with Article 20 of Regulation No 2100/94;
- order the CPVO and the Western Australian Agriculture Authority to bear the costs and expenses of the proceedings.

Pleas in law

- Infringement of the combined provisions of Articles 10 and 20 of Regulation No 2100/94;
 - Infringement of Article 76 of Regulation No 2100/94 and of the general principles of law on legal certainty and sound administration of justice in conjunction with Article 50(3) of Regulation No 874/2009.
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