

Form of order sought

The applicant claims that the Court should annul Council Decision (CFSP) 2019/25 ⁽¹⁾ insofar as it concerns the applicant.

In the alternative, the applicant submits that a lesser measure than continued placement on the EU List of Terrorist Organizations is warranted in this case.

The applicant additionally seeks an award of costs interest to be paid with interest by the Council and which will be specified at a later stage.

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 that the Contested Decision is void insofar as it concerns the applicant since the latter cannot be qualified as a terrorist organization as defined in Article 1(3) of Council Common Position 2001/931/CFSP. ⁽²⁾
2. Second plea in law, alleging that the Contested Decision is void insofar as it concerns the applicant since no decision by a competent authority, as required by Article 1(4) of Common Position 2001/931/CFSP, has been taken.
3. Third plea in law, alleging that the Contested Decision is void insofar as it concerns the applicant since the Council has not conducted any proper review as required by Article 1(6) of Common Position 2001/931/CFSP.
4. Fourth plea in law, alleging that the Contested Decision is void insofar as it concerns the applicant as it does not comply with the requirements of proportionality and subsidiarity.
5. Fifth plea in law, alleging that the Contested Decision is void insofar as it concerns the applicant as it does not comply with the obligation to state reasons in conformity with Article 296 TFEU.
6. Sixth plea in law, alleging that the Contested Decision is void insofar as it concerns the applicant since it infringes upon the applicant's rights of defence and its right to effective judicial protection.

⁽¹⁾ Council Decision (CFSP) 2019/25 of 8 January 2019 amending and updating the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP on the application of specific measures to combat terrorism, and repealing Decision (CFSP) 2018/1084 (OJ L 6, 9.1.2019, p. 6).

⁽²⁾ Council Common Position 2001/931/CFSP of 27 December 2001 on the application of specific measures to combat terrorism (OJ L 344, 28.12.2001, p. 93).

Action brought on 14 March 2019 — Tempus Energy Germany and T Energy Sweden/Commission

(Case T-167/19)

(2019/C 155/65)

Language of the case: English

Parties

Applicants: Tempus Energy Germany GmbH (Berlin, Germany), T Energy Sweden AB (Göteborg, Sweden) (represented by: D. Fouquet and J. Derenne, lawyers)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

- annul the Commission's decision dated 7 February 2018 relating to the planned Polish Capacity Mechanism (SA.46100, C(2018) 601 final) ⁽¹⁾;
- order the Commission to bear its own costs and pay those incurred by the applicant.

Pleas in law and main arguments

In support of the action, the applicants rely on two pleas in law.

1. First plea in law, alleging that, by failing to initiate the formal investigation procedure following the notification of the planned Polish capacity mechanism, the Commission violated Article 108(2) TFEU, Articles 4(4) and 6(1) of Regulation 2015/1589 ⁽²⁾, together with the principles of non-discrimination, proportionality and protection of legitimate expectations and made a wrong assessment of the facts. The Commission had not succeeded in overcoming the doubts that it must have encountered during the preliminary examination phase and this affected the applicants' procedural rights.
2. Second plea in law, alleging that the Commission failed to provide adequate reasoning in the contested decision, in breach of Article 296 TFEU.

⁽¹⁾ OJ 2018, C 462, p. 1

⁽²⁾ Council Regulation (EU) 2015/1589 of 13 July 2015 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union (codification), OJ L 248, 24.9.2015, p.9.

Action brought on 19 March 2019 — Style & Taste v EUIPO — The Polo/Lauren Company (Representation of a polo player)

(Case T-169/19)

(2019/C 155/66)

Language in which the application was lodged: Spanish

Parties

Applicant: Style & Taste, SL (Madrid, Spain) (represented by: L. Plaza Fernández-Villa, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: The Polo/Lauren Company LP (New York, New York, United States)