

Defendant: European Union Intellectual Property Office (represented by: J. Ivanauskas, acting as Agent)

Other party to the proceedings before the Board of Appeal of EUIPO intervening before the General Court: Clínica La Luz, SL (Madrid, Spain) (represented by: I. Temiño Ceniceros, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 1 July 2019 (Case R 2239/2018-4), relating to opposition proceedings between Clínica La Luz and Luz Saúde.

Operative part of the order

1. The action is dismissed.
2. Luz Saúde, SA is ordered to pay the costs.

⁽¹⁾ OJ C 319, 23.9.2019.

Action brought on 4 June 2020 — HS v Commission

(Case T-848/19)

(2020/C 271/50)

Language of the case: English

Parties

Applicant: HS (represented by: L. Levi and A. Champetier, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the decision of 12 March 2019 to dismiss the applicant at the end of the probationary period,
- so far as necessary, annul the decision of 10 October 2019 rejecting the applicant's complaint,
- compensate for the moral prejudice suffered by the applicant which can be evaluated, *ex aequo et bono*, to 15 000 Euros,
- order the defendant to pay all the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging violation of the principle of non-discrimination on ground of disability and of the duty to provide reasonable accommodation, violation of Article 21 of the Charter, of the United Convention on the rights of persons with disabilities and of Article 1(d) of the Staff Regulations and, violation of the duty of care.
2. Second plea in law, alleging violation of Article 34 of the Staff Regulations: breach of the probationary period proper conditions, lack of guidance and lack and uncertainty of objectives, breach of the right to be heard and, manifest errors of assessment.

3. On the request for compensation, the applicant exposes the fault committed by the defendant, the damage suffered and the link between the fault and the damage.

Action brought on 29 May 2020 — Sogia Ellas v Commission

(Case T-347/20)

(2020/C 271/51)

Language of the case: Greek

Parties

Applicant: Sogia Ellas AE (Athens, Greece) (represented by: P. Bernitsas, M. Androulakaki, A. Patsalia and E. Kalogiannis, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- declare the action admissible;
- annul the decision in its entirety or, in the alternative, in so far as it concerns the applicant; ⁽¹⁾
- in the alternative, annul Article 2 of the decision in so far as it requires the recovery of the amounts of aid at issue in total or, in the alternative, in so far as it concerns the applicant; and
- order the Commission to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging misinterpretation and lack of reasoning on the part of the Commission concerning the existence of State aid: the criteria of economic advantage, selectivity and distortion of competition are not met.
2. Second plea in law, claiming that the contested measures constitute compatible aid within the meaning of Article 107(2) (b) TFEU.
3. Third plea in law, alleging infringement of the principles of sound administration, of the right to be heard and of the obligation to state reasons for the decision, and infringement of Article 41 of the Charter of Fundamental Rights of the European Union.
4. Fourth plea in law, alleging infringement of Article 14(1) of Regulation (EC) No 659/1999 ⁽²⁾ and Article 16(1) of Regulation (EU) 2015/1589, ⁽³⁾ and that the decision was adopted in breach of the principles of legal certainty and legitimate expectations.
5. Fifth plea in law, alleging that the decision was adopted in breach of the principle of proportionality.

⁽¹⁾ Commission Decision (EU) 2020/394 of 7 October 2019 concerning the measures SA.39119 (2016/C) (ex 2015/NN) (ex 2014/CP) implemented by the Hellenic Republic in the form of interest subsidies and guarantees linked to the fires of 2007 (notified under document C(2019) 7094) (OJ 2020 L 76, p. 4)

⁽²⁾ Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty (OJ 1999 L 83, p. 1).

⁽³⁾ 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 (OJ 2015 L 248, p. 9).
