

**Details of the proceedings before EUIPO**

*Proprietor of the trademark at issue:* Applicant before the General Court

*Trade mark at issue:* European Union figurative mark LUNA SPLENDIDA in colour gold — European Union trade mark No 16 308 108

*Procedure before EUIPO:* Cancellation proceedings

*Contested decision:* Decision of the Fifth Board of Appeal of EUIPO of 26 June 2020 in Case R 1895/2019-5

**Form of order sought**

The applicant claims that the Court should:

- consider the present application admissible;
- annul the contested decision.

**Plea in law**

- Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

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**Action brought on 12 November 2020 — Solar Electric and Others v Commission**

**(Case T-678/20)**

(2021/C 44/72)

*Language of the case: French*

**Parties**

*Applicants:* Solar Electric Holding (Le Lamentin, France), Solar Electric Guyane (Le Lamentin), Solar Electric Martinique (Le Lamentin), Société de production d'énergies renouvelables (Le Lamentin) (represented by: S. Manna, lawyer)

*Defendant:* European Commission

**Form of order sought**

The applicants claim that the General Court should:

- annul the Commission's decision SA.40349 (2020/MI3) B2/AD/MKL/D\*2020/101866 of 3 September 2020 rejecting their complaint of 20 June 2020 concerning the State aid granted to photovoltaic producers by the French State pursuant to the pricing orders of 10 July 2006, 12 January 2010 and 31 August 2010, on the ground that:
  - the applicants are entitled, pursuant to Article 24(2) of Regulation (EU) 2015/1589, to file a complaint with the Commission in order to report unlawful aid;
  - the Commission is required to open a preliminary examination without delay for any complaint relating to unlawful aid pursuant to Article 12(1) of Regulation EU 2015/1589;
  - the Commission is required to ensure that the provisions of TFEU on State aid are applied and it cannot fail to act.

**Pleas in law and main arguments**

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

1. First plea in law based on an error which allegedly vitiates the contested decision in that it finds that the complaint filed by the applicants does not fall with the scope of application of Article 24(2) of 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 (JO 2015 L 248, p. 9). The applicants argue to the contrary.
2. Second plea in law, alleging an error in law by the Commission in its interpretation of the scope of application of Article 12(1) of Regulation 2015/1589. The applicants consider that their status as an interested party is sufficient to trigger the obligation for the Commission to open immediately a preliminary examination in respect of any complaint relating to unlawful aid in accordance with that provision.
3. Third plea in law, alleging that the Commission failed in its obligations under Articles 107, 108 and 109 TFEU and Regulation 2015/1589 referred to above. The applicants claim that the Commission is required to ensure that the provisions of TFEU on State aid are applied and cannot fail to act in the examination of a complaint reporting unlawful aid.

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**Action brought on 3 December 2020 — OL v Council****(Case T-714/20)**

(2021/C 44/73)

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

*Applicant:* OL (represented by: J. Viñals Camallonga, J. Iriarte Ángel and E. Delage González, lawyers)

*Defendant:* Council of the European Union

**Form of order sought**

The applicant claims that the General Court should:

- annul Council Decision 2014/145/CFSP of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine, in its present wording, in so far as it refers to or may affect the applicant.
- annul Council Regulation (EU) No 269/2014 of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine, in its present wording, in so far as it refers to or may affect the applicant.

**Pleas in law and main arguments**

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

1. First plea in law, alleging manifest error in the assessment of the facts on which the contested restrictions are based at the time those restrictions were extended, in so far as those restrictions were extended in respect of the applicant without any genuine factual or evidential basis.
2. Second plea in law, alleging failure to fulfil the obligation to state reasons, in so far as the contested measures lack proper reasoning in respect of the applicant, which prevents the applicant from putting forward a proper defence.