

Action brought on 20 July 2021 — TM v ECB**(Case T-440/21)**

(2021/C 391/28)

*Language of the case: English***Parties***Applicant:* TM (represented by: L. Levi and A. Champetier, lawyers)*Defendant:* European Central Bank**Form of order sought**

The applicant claims that the Court should:

- annul the decision of the Executive Board of 15 December 2020 to appoint Ms P. for the position of Director General DG-IS instead of the Applicant;
- annul, if need be, the decision of the Executive Board, dated 11 May 2021, rejecting the Special Appeal submitted by the Applicant against the decision not to appoint him;
- compensate the Applicant for material damages suffered by the decision of 15 December 2020 with an amount of 73 679,47 euros;
- compensate the Applicant for moral prejudice with an amount of one symbolic euro.

Pleas in law and main arguments

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

1. First plea in law, alleging a manifest error of assessment and a violation of Article 8a (c) of the Conditions of employment, and of Articles 1a.1.1(b), 1a.2.1.1 and 1a.2.6.1 of the Staff Regulations; Violation of the vacancy notice; Breach of the interest of the service.
2. Second plea in law, alleging an illegality of the recruitment procedure 2020-2738- EXT due to a breach of Article 1a.3.1.2 § 4 of the Staff Rules and misuse of powers.
3. Third plea in law, alleging a breach of Articles 1a.2.7.9, 1a.2.7.10 and 1a.2.7.11 of the Staff Rules; Lack of motivation; Breach of the principle of good administration.

Action brought on 2 August 2021 — Coulter Ventures v EUIPO — iWeb (R)**(Case T-457/21)**

(2021/C 391/29)

*Language of the case: English***Parties***Applicant:* Coulter Ventures LLC (Columbus, Ohio, United States) (represented by: R. Dissmann, lawyer)*Defendant:* European Union Intellectual Property Office (EUIPO)*Other party to the proceedings before the Board of Appeal:* iWeb GmbH (Berlin, Germany)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Applicant before the General Court

Trade mark at issue: Application for European Union figurative mark R — Application for registration No 13 750 849

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 2 June 2021 in Case R 2789/2019-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs including the applicant's costs incurred in the proceedings before the EUIPO.

Plea in law

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

Action brought on 6 August 2021 — France v Commission

(Case T-475/21)

(2021/C 391/30)

Language of the case: French

Parties

Applicant: French Republic (represented by: F. Alabrune, T. Stéhelin, A-L. Desjonquères and G. Bain, acting as Agents)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul in part Commission Implementing Decision (EU) 2021/988 of 16 June 2021 excluding from European Union financing certain expenditure incurred by the Member States under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD), in so far as it applies a correction amounting to EUR 45 869 990,19 in respect of the 'Voluntary Coupled Support' for the reasons 'Mesure 24 — année de demande 2017 (année financière 2018)' and 'Mesure 24 — année de demande 2017 (année financière 2019)' for the financial years 2018 and 2019;
- order the Commission to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on a single plea in law against the contested decision.

According to the applicant, the Commission erred in law by misinterpreting Article 52(2) of Regulation No 1307/2013, ⁽¹⁾ stating that legumes grown as part of a mixture including grasses could not be eligible for a voluntary coupled support scheme.