

*Defendant:* European Commission

### **Form of order sought**

The applicant claims that the Court should:

- annul the European Commission's decision of 31 July 2019 rejecting the applicant's first application of 9 July 2019 seeking compensation;
- annul the European Commission's decision of 20 August 2019 rejecting the application of 23 July 2019 for access to the Commission's documents in which the applicant asks to consult the original of a photograph of a man whose leg has been amputated which was used as a health warning on the packaging of tobacco products in accordance with Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014;
- order the European Commission to pay the costs and the expenses relating to the proceedings, while noting that the applicant has sought legal aid.

### **Pleas in law and main arguments**

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

1. First plea in law, alleging infringement of essential procedural requirements as the decisions at issue fail to comply with the obligation to state reasons and, therefore, do not allow the applicant to understand the scope of the decision taken against him and to ensure that his interests are defended and do not allow a court to verify whether that decision is lawful.
2. Second plea in law, alleging infringement of the treaties and every rule of law concerning the application of the latter, that is to say the body of rules of the European Union, and, in particular, the Charter of Fundamental Rights of the European Union and the general principles, the observance of which the European Union is obliged to ensure and which protect the right to protect one's personal image, the right to respect for private and family life and the right to dignity.

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### **Action brought on 30 September 2019 — FF v Commission**

**(Case T-654/19)**

(2019/C 399/105)

*Language of the case: French*

### **Parties**

*Applicant:* FF (represented by: A. Fittante, lawyer)

*Defendant:* European Commission

### **Form of order sought**

The applicant claims that the Court should:

- find that the European Commission has interfered with his right to honour, his right to personal and family life, his right to protect his personal image and his right to dignity by using his image without his permission as one of the photographs proposed by the Commission to be used as health warnings to be included on the packaging of tobacco products in accordance with Commission Delegated Directive 2014/109/EU;

- order that the use of the photograph at issue within the European Union cease immediately and that all tobacco products that are available for sale in the various establishments authorised to sell such products and contain the applicant's image be withdrawn;
- grant the applicant the right to increase his claim for compensation for non-material and financial damage after the issuance of an expert's report requested in a separate action and the communication by the European Commission of the amount of packaging sold in the European Union with the image at issue;
- order the European Commission to pay the costs and the expenses relating to the proceedings, while noting that the applicant has sought legal aid.

### **Pleas in law and main arguments**

In support of the action, the applicant relies on a single plea in law, alleging infringement of his fundamental rights enshrined in the Charter of Fundamental Rights of the European Union, which grants to each person a right to respect for one's dignity and the right to respect for one's private and family life.

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## **Action brought on 27 September 2019 — Ferriera Valsabbia and Valsabbia Investimenti v Commission**

**(Case T-655/19)**

(2019/C 399/106)

*Language of the case: Italian*

### **Parties**

*Applicants:* Ferriera Valsabbia SpA (Odolo, Italy), Valsabbia Investimenti SpA (Odolo) (represented by: D. Slater, Solicitor, G. Carnazza and D. Fosselard, lawyers)

*Defendant:* European Commission

### **Form of order sought**

The applicants claim that the Court should:

- annul the decision, in so far as it concerns them;
- order the Commission to pay the costs of the proceedings.

### **Pleas in law and main arguments**

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

1. First plea in law, alleging infringement of Article 266 TFEU, and of Article 14 and Article 27(1) of Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (OJ 2003 L 1, p. 1), and of Articles 11, 12 and 14 of Commission Regulation (EC) No 773/2004 of 7 April 2004 relating to the conduct of proceedings by the Commission pursuant to Articles 81 and 82 of the EC Treaty (OJ 2004 L 123, p. 18)
  - The applicants claim in that regard that the Commission failed to remedy the procedural defect found by the Court of Justice in its judgment of 21 September 2017, *Ferriera Valsabbia, Valsabbia Investimenti and Alfa Acciai v Commission* (joined Cases C-86/15 P and C-87/15 P, EU:C:2017:717), following which the Commission adopted the contested decision.