

6. The Commission fundamentally infringed legal provisions and erred in its interpretation of the facts when it considered the aid to be obsolete only in part.
 - The Commission ought to have concluded that the state aid allegedly resulting from the lease contract had terminated in 2002 at the latest with the merger of the applicant and the owner of its shares and is therefore obsolete in full.
7. Seventh plea in law, alleging that the Commission infringed legal provisions when it imposed on the Republic of Estonia the obligation to recover the aid, contrary to the principles of legitimate expectations and legal certainty.
 - There are special circumstances to the effect that recovery from the applicant would be highly inequitable, as the applicant was not obliged to recognise the existence of state aid.
8. Eighth plea in law, alleging that the Commission fundamentally infringed legal provisions and erred in its interpretation of the facts when it categorised the aid as being incompatible with the internal market.
 - The parties demonstrated in substance how the lease contract contributed to the promotion of economic development; however, the Commission failed to address that matter as to its substance.

Action brought on 16 March 2020 — Czech Republic v Commission

(Case T-151/20)

(2020/C 175/42)

Language of the case: Czech

Parties

Applicant: Czech Republic (represented by: M. Smolek, J. Vláčil and O. Serdula, Agents)

Defendant: European Union, represented by the European Commission

Form of order sought

The applicant claims that the Court should:

- order the European Union, represented by the European Commission, to restore to the Czech Republic the sum of CZK 40 482 255 on the basis of unjust enrichment, that sum having been paid, conditionally, into the Commission's account on 17 March 2015 for no legal reason;
- order the European Union, represented by the European Commission, to restore to the Czech Republic the sum of CZK 2 698 817 on the basis of unjust enrichment, that sum having been paid, conditionally, into the Commission's account on 22 December 2016 for no legal reason;
- order the European Union, represented by 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.

The applicant claims that the amount in dispute corresponds to unrecovered customs duty on the import of flint lighters from Laos amounting to CZK 53 976 340 minus collection costs. On 17 March 2015, the sum of CZK 40 482 255 (75 % of the unrecovered customs duty) was conditionally paid into the Commission's account, following the Commission's formal notice dated 21 January 2015. On 22 December 2016, the sum of CZK 2 698 817 (5 % of the unrecovered customs duty) was paid into the Commission's account, following the Commission's request for payment of the difference corresponding to the increase in the contribution paid to the Union to 80 %.

There was no legal reason for the payment of that sum into the Commission's account, since the customs duty concerned could not be collected for reasons which cannot be attributed to the Czech Republic. Under Article 17(2)(b) of Regulation No 1150/2000 of 22 May 2000 ⁽¹⁾ the Czech Republic was therefore released from the obligation to place the disputed sum at the Commission's disposal.

⁽¹⁾ Council Regulation (EC, Euratom) No 1150/2000 of 22 May 2000 implementing Decision 94/728/EC, Euratom on the system of the Communities' own resources (OJ 2000 L 130, p. 1).

Action brought on 27 March 2020 — Ighoga Region 10 v Commission

(Case T-161/20)

(2020/C 175/43)

Language of the case: German

Parties

Applicant: Ighoga Region 10 eV (Ingolstadt, Germany) (represented by: A. Bartosch, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should declare that the defendant infringed its obligations under the TFEU in that, even after almost 2 $\frac{3}{4}$ years have elapsed since the complaint has been lodged and, following the request to adopt a final decision to close the procedure, the defendant did not take a formal decision in accordance with one of the possible alternatives set out in Article 4 of the Rules of Procedure in State aid cases, but rather failed to act.

Pleas in law and main arguments

The action is brought against the Commission's failure to act in connection with the adoption of a decision concerning the applicant's complaint of 4 July 2017 on EU State aid in case SA.48582 — presumed State aid for Maritim-Gruppe and KHI Immobilien GmbH.

Action brought on 20 March 2020 — Tornado Boats International v EUIPO — Haygreen (TORNADO)

(Case T-167/20)

(2020/C 175/44)

Language of the case: English

Parties

Applicant: Tornado Boats International ApS (Lystrup, Denmark) (represented by: M. Hoffgaard Rasmussen, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: David Haygreen (Colwyn Bay, United Kingdom)

Details of the proceedings before EUIPO

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