

**Form of order sought**

The applicant claims that the Court should:

- annul the European Commission's decision (EU) of 3 July 2020 on State Aid SA.56943 (2020/N) — Latvia — COVID-19: Recapitalisation of airBaltic <sup>(1)</sup>; and
- order the European Commission to pay the costs.

**Pleas in law and main arguments**

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

1. First plea in law, alleging that the European Commission misapplied Article 107(3)(b) TFEU and its communication Temporary framework for State aid measures to support the economy in the current COVID-19 outbreak and committed a manifest error of assessment by finding that the aid addresses a serious disturbance in the Latvian economy, that airBaltic is eligible to aid, and that the conditions regarding distortions to competition, the State's exit and restructuring were satisfied, by violating its obligation to weigh the beneficial effects of the aid against its adverse effects on trading conditions and the maintenance of undistorted competition (*i.e.*, the 'balancing test'), and by finding that airBaltic had no significant market power.
2. Second plea in law, alleging that the decision violates specific provisions of the TFEU and the general principles of European law that have underpinned the liberalisation of air transport in the EU since the late 1980s (*i.e.*, non-discrimination, free provision of services and free establishment).
3. Third plea in law, alleging that the European Commission failed to initiate a formal investigation procedure despite serious difficulties and violated the applicant's procedural rights.
4. Fourth plea in law, alleging that the European Commission violated its duty to state reasons.

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<sup>(1)</sup> OJ 2020, C 346/1, p. 2

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**Action brought on 17 December 2020 — Deuschtec v EUIPO — Group A (HOLUX)**

**(Case T-738/20)**

(2021/C 53/67)

*Language of the case: English*

**Parties**

*Applicant:* Deuschtec GmbH (Petershagen/Eggersdorf, Germany) (represented by: R. Arnade, lawyer)

*Defendant:* European Union Intellectual Property Office (EUIPO)

*Other party to the proceedings before the Board of Appeal:* Group A NV (Hasselt, Belgium)

**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 word mark HOLUX — Application for registration No 17 371 378

*Procedure before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the Fourth Board of Appeal of EUIPO of 7 October 2020 in Case R 223/2020-4

### **Form of order sought**

The applicant claims that the Court should:

- annul the contested decision and the decision of the Opposition Division of EUIPO of 26 November 2019 in case B 3 051 677 to the extent it upholds the opposition;
- order EUIPO to bear the costs.

### **Plea in law**

- The contested decision lacks the necessary conclusion drawn from the fact that the terms ‘common metal and alloys thereof’ as well as ‘metal goods’ in Class 6 are too vague. Furthermore, it lacks a diligent analysis whether the addressees in the market would consider goods deriving from the same origin.

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## **Action brought on 18 December 2020 — UPL Europe and Indofil Industries (Netherlands) v Commission**

**(Case T-742/20)**

(2021/C 53/68)

*Language of the case: English*

### **Parties**

*Applicants:* UPL Europe Ltd (Warrington Cheshire, United Kingdom) and Indofil Industries (Netherlands) BV (Amsterdam, Netherlands) (represented by: C. Mereu and P. Sellar, lawyers)

*Defendant:* European Commission

### **Form of order sought**

The applicants claim that the Court should:

- declare the application admissible and well-founded;
- annul the Commission's Implementing Regulation (EU) 2020/2087 concerning the non-renewal of the approval of the active substance mancozeb, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 <sup>(1)</sup> (‘the Contested Act’); and,
- order the defendant to pay the costs of these proceedings.

### **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 that an essential procedural requirement has been infringed by a failure to comply with the procedure in Articles 11 to 14 of Regulation 844/2012. <sup>(2)</sup>
2. Second plea in law, alleging that the assessment procedure has been further vitiated by an infringement of the applicants' rights of defence.