

Defendant: European Commission (represented by: G. Wils and B. De Meester, acting as Agents)

Intervener in support of the applicant: Kingdom of Sweden (represented by: O. Simonsson, C. Meyer-Seitz, A. Runeskjöld, M. Salborn Hodgson, H. Shev, H. Eklinder and R. Shahsavan Eriksson, acting as Agents)

Re:

By its action under Article 263 TFEU, the applicant seeks the annulment of Article 1(3) of Commission Decision (EU) 2021/355 of 25 February 2021 concerning national implementation measures for the transitional free allocation of greenhouse gas emission allowances in accordance with Article 11(3) of Directive 2003/87/EC of the European Parliament and of the Council (OJ 2021 L 68, p. 221).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Luossavaara-Kiirunavaara AB to bear its own costs and to pay those incurred by the European Commission;
3. Orders the Kingdom of Sweden to bear its own costs.

(¹) OJ C 289, 19.7.2021.

Judgment of the General Court of 26 July 2023 — Arctic Paper Grycksbo v Commission

(Case T-269/21) (¹)

(Environment — Directive 2003/87/EC — Scheme for greenhouse gas emission allowance trading — National implementing measures — Transitional free allocation of greenhouse gas emission allowances — Decision to exclude an installation exclusively using biomass — Duty of diligence — Right to be heard — Obligation to state reasons — Manifest error of assessment — Equal treatment — Legitimate expectations — Plea of illegality — Paragraph 1 of Annex I to Directive 2003/87)

(2023/C 338/23)

Language of the case: Swedish

Parties

Applicant: Arctic Paper Grycksbo AB (Grycksbo, Sweden) (represented by: A. Bryngelsson, A. Johansson and F. Sjövall, lawyers)

Defendant: European Commission (represented by: G. Wils, B. De Meester and P. Carlin, acting as Agents)

Interveners in support of the defendant: European Parliament (represented by: C. Ionescu Dima, W. Kuzmienko and P. Biström, acting as Agents), Council of the European Union (represented by: A. Norberg and J. Himmanen, acting as Agents)

Re:

By its action based on Article 263 TFEU, the applicant seeks annulment, in so far as it is concerned, of Article 1(1) of, and Annex I to, Commission Decision (EU) 2021/355 of 25 February 2021 concerning national implementation measures for the transitional free allocation of greenhouse gas emission allowances in accordance with Article 11(3) of Directive 2003/87/EC of the European Parliament and of the Council (OJ 2021 L 68, p. 221).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders each party to bear its own costs.

(¹) OJ C 297, 26.7.2021.

Judgment of the General Court of 26 July 2023 — Schneider v EUIPO — Frutaria Innovation (frutania)

(Case T-109/22) (¹)

(EU trade mark — Opposition proceedings — Application for the EU figurative mark frutania — Earlier EU figurative mark Frutaria — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EU) 2017/1001)

(2023/C 338/24)

Language of the case: English

Parties

Applicant: Markus Schneider (Bonn, Germany) (represented by: M. Bergermann and D. Graetsch, lawyers)

Defendant: European Union Intellectual Property Office (represented by: D. Gája and V. Ruzek, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Frutaria Innovation, SL, formerly Frutaria Comercial de Frutas y Hortalizas, SL (Saragossa, Spain) (represented by: J. Learte Álvarez and C. Anadón Giménez, lawyers)

Re:

By his action under Article 263 TFEU, the applicant seeks the annulment of the decision of the First Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 17 December 2021 (Case R 1058/2017-1).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Mr Markus Schneider to pay the costs.

(¹) OJ C 158, 11.4.2022.

Judgment of the General Court of 26 July 2023 — Pšonka v Council

(Case T-243/22) (¹)

(Common foreign and security policy — Restrictive measures taken having regard to the situation in Ukraine — Freezing of funds — List of persons, entities and bodies subject to freezing of funds and economic resources — Maintenance of the applicant's name on the list — Council's obligation to verify that the decision of an authority of a third State was taken in accordance with the rights of the defence and the right to effective judicial protection)

(2023/C 338/25)

Language of the case: Czech

Parties

Applicant: Artem Viktorovyč Pšonka (Kramatorsk, Ukraine) (represented by: M. Mleziva, lawyer)