

**Order of the General Court of 22 October 2021 — Fachverband Spielhallen and LM v Commission**(Case T-510/20) <sup>(1)</sup>

*(State aid — Tax treatment of operators of public casinos in Germany — Complaint — Preliminary examination stage — Commission decision finding that there is no State aid — Conditions for initiating a formal investigation procedure — Serious difficulties — Concept of ‘State aid’ — Levy on the profits — Advantage — Selectivity — Action manifestly lacking any foundation in law)*

(2021/C 513/41)

Language of the case: German

**Parties**

*Applicants:* Fachverband Spielhallen eV (Berlin, Germany) and LM (represented by: A. Bartosch and R. Schmidt, lawyers)

*Defendant:* European Commission (represented by: B. Stromsky and K. Blanck, acting as Agents)

*Intervener in support of the defendant:* Federal Republic of Germany (represented by: R. Kanitz and S. Costanzo, acting as Agents)

**Re:**

Application under Article 263 TFEU seeking annulment of Commission Decision C(2019) 8819 final of 9 December 2019 on State aid SA.44944 (2019/C ex 2019/FC) — Tax treatment of public casinos operators in Germany and SA.53552 (2019/C ex 2019/FC) — Alleged guarantee for public casinos operators in Germany (*Wirtschaftlichkeitsgarantie*), inasmuch as it rejects the complaint lodged by the applicants against the fact that the sums paid by operators of public casinos to the Land of North Rhine-Westphalia (Germany) as a levy on the profits were deductible from the tax bases for the trade tax and the income or corporation tax.

**Operative part of the order**

1. The action is dismissed.
2. Fachverband Spielhallen eV and LM shall pay, in addition to their own costs, those incurred by the European Commission.
3. The Federal Republic of Germany shall bear its own costs.

<sup>(1)</sup> OJ C 329, 5.10.2020.

**Order of the General Court of 22 October 2021 — Equinoccio-Compañía de Comercio Exterior v Commission**(Case T-22/21) <sup>(1)</sup>

*(Action for annulment — Instrument for Pre-Accession Assistance — Non-member State — National public procurement — Termination of the contract by the contracting authority — Request for enforcement by the contracting authority of a bank guarantee — Countersignature by the Head of the EU Delegation in the Non-member State or his deputy — Lack of jurisdiction)*

(2021/C 513/42)

Language of the case: English

**Parties**

*Applicant:* Equinoccio-Compañía de Comercio Exterior, SL (Madrid, Spain) (represented by: D. Luff and R. Sciaudone, lawyers)

*Defendant:* European Commission (represented by: D. Bianchi and T. Van Noyen, acting as Agents)

**Re:**

Application under Article 263 TFEU for annulment of the Commission's letter of 5 November 2020, with reference GK/Regio.ddg.d. 1(2020)6793282, concerning the enforcement of the bank guarantee requested by the Turkish Ministry of Science, Industry and Technology.

**Operative part of the order**

1. The action is dismissed.
2. Equinoccio-Compañía de Comercio Exterior, SL shall pay the costs.

(<sup>1</sup>) OJ C 128, 12.4.2021.

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**Order of the President of the General Court of 25 October 2021 — Troy Chemical Company and Troy v Commission**

(Case T-297/21 R)

*(Interim measures — Biocidal products — Implementing Regulation (EU) 2021/348 — Approval of carbendazim as an existing active substance for use in biocidal products of product-types 7 (film preservatives) and 10 (masonry preservatives) — Application for suspension of operation of a measure — No urgency)*

(2021/C 513/43)

*Language of the case: English*

**Parties**

*Applicants:* Troy Chemical Company BV (Delft, Netherlands), Troy Corp. (Florham Park, New Jersey, United States) (represented by: D. Abrahams, H. Widemann and L. Gorywoda, lawyers)

*Defendant:* European Commission (represented by: R. Lindenthal and M. Farley, acting as Agents)

**Re:**

Application under Articles 278 and 279 TFEU seeking, first, suspension of operation of Commission Implementing Regulation (EU) 2021/348 of 25 February 2021 approving carbendazim as an existing active substance for use in biocidal products of product-types 7 and 10 (OJ 2021 L 68, p. 174), and, second, the grant of any other interim measures which the General Court considers appropriate.

**Operative part of the order**

1. The application for interim measures is dismissed.
2. The costs are reserved.

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**Action brought on 14 September 2021 — WO v EPPO**

(Case T-603/21)

(2021/C 513/44)

*Language of the case: English*

**Parties**

*Applicant:* WO (represented by: V. Vitkovskis, lawyer)

*Defendant:* European Public Prosecutor's Office (EPPO)