

Action brought on 15 August 2021 — Lagardère, unité médico-sociale v Commission**(Case T-503/21)**

(2021/C 422/30)

*Language of the case: French***Parties***Applicant:* Lagardère, unité médico-sociale (Ghlin, Belgium) (represented by: P. Vanlangendonck, lawyer)*Defendant:* European Commission**Form of order sought**

The applicant claims that the General Court should:

— Declare Regulation 2021/953 ⁽¹⁾ null and void.**Pleas in law and main arguments**

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

1. First plea in law, alleging infringement of Article 9(1) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ 2016 L 119, p. 1), in so far as the contested measure failed to have regard to the prohibition on the processing of personal data concerning the health of a natural person.
2. Second plea in law, alleging infringement of Article 21(1) TFEU, which confers on EU citizens the right to move and reside freely within the territory of the Member States.
3. Third plea in law, alleging infringement of Articles 168 and 169 TFEU and of Articles 3, 35 and 38 of the Charter of Fundamental Rights of the European Union.

⁽¹⁾ Regulation (EU) 2021/953 of the European Parliament and of the Council of 14 June 2021 on a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates (EU Digital COVID Certificate) to facilitate free movement during the COVID-19 pandemic (OJ 2021 L 211, p. 1).

Action brought on 16 August 2021 — Migadakis v ENISA**(Case T-507/21)**

(2021/C 422/31)

*Language of the case: French***Parties***Applicant:* Ioannis Migadakis (Athens, Greece) (represented by: K. Bicard, lawyer)*Defendant:* European Union Agency for Cybersecurity (ENISA)**Form of order sought**

The applicant claims that the General Court should:

- declare his application admissible and well founded;
- annul the decision made against him;
- order ENISA to pay the costs;

- reserve the applicant the right to raise all other pleas of fact and of law to be argued at the appropriate time and place;
- reserve the applicant the right to produce, in addition to the documents listed in the body of the present action, all documents at the appropriate time and place;
- reserve the applicant all other rights, entitlements, pleas and actions.

Pleas in law and main arguments

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

1. First plea, alleging violation of the legal framework. The applicant submits, inter alia, that the vacancy notice did not provide for remote examination and that he did not give his consent for remote written and oral examinations. The applicant adds that he did not have the choice between face-to-face and remote examinations. Moreover, according to the applicant, a remote examination in July 2020 was not justified because Greece had then been in the green zone since 4 May 2020, the date on which the lockdown ended. Finally, the applicant maintains that he was rejected for having obtained 60 points out of 100, whereas only eligible candidates having obtained 75/100 succeeded, it being specified that nothing was provided for in the notice concerning such a level of mark to be achieved.
2. Second plea, alleging violation of the principle of equality on the ground that the competition was held in poor conditions. The applicant was therefore not treated equally with the other candidates.
3. Third plea, alleging violation of the principle of objectivity of marks. The applicant submits in this regard that the questions in the oral and written examinations and the marks for the applicant's answers were not objective.

Action brought on 20 August 2021– Zeta farmaceutici v EUIPO — Specchiasol (EUPHYTOS)

(Case T-515/21)

(2021/C 422/32)

Language in which the application was lodged: Italian

Parties

Applicant: Zeta farmaceutici SpA (Vicenza, Italy) (represented by: F. Celluprica, F. Fischetti and F. De Bono, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Specchiasol Srl (Bussolengo, Italy)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Other party to the proceedings before the Board of Appeal

Trade mark at issue: European Union word mark EUPHYTOS — European Union trade mark No 6 316 541

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the First Board of Appeal of EUIPO of 10 June in Case R 2094/2019-1

Form of order sought

The applicant claims that the Court should:

- alter the contested decision and find and declare the contested mark, namely European Union trade mark No 6 316 541, invalid;
- in the alternative, annul the contested decision and refer the case back to the Board of Appeal, ordering it to comply with the findings of the Court when issuing its new decision;