

Pleas in law and main arguments

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

1. First plea in law, alleging manifest error of assessment

The defendant made a manifest error of assessment in determining, by the contested decision, that the German State aid 'Allgemeine Bundesregelung Schadensausgleich, COVID-19' (General Federal Scheme for Compensation, Covid-19) is compatible with the internal market under Article 107(2)(b) TFEU. The applicant claims that restricting the eligibility of undertakings with several business activities to those which achieve at least 80 % of their turnover from activities directly affected by the lockdown is arbitrary and that the approval of the aid scheme is disproportionate. According to the applicant, the 80 % threshold removes, without any objective reason, the causal link between the closure orders and the damage resulting therefrom to the detriment of undertakings with several business areas, since such undertakings might remain entirely without compensation despite being directly and significantly affected by the State measures and the considerable losses associated therewith. This leads to a distortion of competition, both in relation to competitors in business areas that were affected by Covid-19 and in relation to those in business areas that were not affected by Covid-19.

2. Second plea in law, alleging infringement of procedural rights under Article 108(2) TFEU

The applicant claims that the defendant's decision is vitiated by a failure to conduct a proper examination and a failure to state reasons. The defendant failed to provide the applicant with an opportunity to raise concerns in respect of the compatibility of the aid scheme with the internal market during the preliminary investigation procedure. Furthermore, the defendant failed to provide adequate reasons for the decision to approve the aid scheme.

Action brought on 1 September 2021 — VP v Cedefop

(Case T-534/21)

(2021/C 431/55)

Language of the case: English

Parties

Applicant: VP (represented by: L. Levi, lawyer)

Defendant: European Centre for the Development of Vocational Training

Form of order sought

The applicant claims that the Court should:

- annul the defendant's decision not to implement sections (1) and (2) of the operational part of the judgment of the GCEU, of 16 December 2020, in case T-187/18, *VP v Cedefop*;
- annul the connected decision not to renew the applicant's employment contract for an indefinite period with retroactive effect;
- order the compensation of the moral prejudice suffered by the applicant evaluated *ex aequo et bono* to fifty thousand Euros;
- order the compensation of the material damage incurred by the applicant equal to the cost of the necessary pre-litigation procedure from the date of the judgment in Case T-187/18, *VP v Cedefop*; and
- order the defendant 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 defendant's decision not to implement the core sections (1) and (2) of the judgment of 16 December 2020 in case T-187/20, *VP v Cedefop* and, consequently, not to renew the employment contract of the applicant is vitiated by a violation of the obligation to state reasons;
2. Second plea in law, alleging that the defendant failed its obligation to duty of care.
3. Third plea in law, alleging that the defendant infringed the principles of equal treatment and protection of legitimate expectations.
4. Forth plea in law, alleging that the defendant misused its powers.

Action brought on 31 August 2021 — Tinnus Enterprises v EUIPO — Mystic Products (Fluid distribution equipment)

(Case T-535/21)

(2021/C 431/56)

Language of the case: English

Parties

Applicant: Tinnus Enterprises LLC (Plano, Texas, United States) (represented by: T. Wuttke, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Mystic Products Import & Export, SL (Badalona, Spain)

Details of the proceedings before EUIPO

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

Design at issue: Community design No 1 431 829-0009

Contested decision: Decision of the Third Board of Appeal of EUIPO of 16 June 2021 in Case R 1004/2018-3

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- alter the contested decision to:
 - allow the applicant's appeal,
 - dismiss in its entirety the invalidity applicant's application ICD 10 297 to declare the contested design invalid,
 - order the invalidity applicant to pay the applicant's costs in front of the Board of Appeal and the Invalidity Division;
- order the invalidity applicant to pay the applicant's fees and costs.

Pleas in law

- Infringement of the principles set forth in the judgment of 24 March 2021, *Lego v EUIPO — Delta Sport Handelskontor (Building block from a toy building set)* (T-515/19, not published, EU:T:2021:155);
- Infringement of the principles set forth in the judgment of 8 March 2018, *DOCERAM* (C-395/16, EU:C:2018:172);
- Infringement of Article 8(1) of Council Regulation (EC) No 6/2002;