

5. Fifth plea in law, alleging manifest error of assessment of the conditions to liquidate the guarantee.

- The contested act, in the applicant's opinion, is vitiated by a manifest error of assessment of the conditions, all related to the alleged breach of the service contract, to liquidate the guarantee.

- (¹) Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ 2012 L 298, p. 1).
- (²) Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (OJ 2012 L 362, p. 1).

Action brought on 7 September 2021 — Foundation for the Protection of the Traditional Cheese of Cyprus named Halloumi v EUIPO — Papouis Dairies (fino)

(Case T-558/21)

(2021/C 452/55)

Language of the case: English

Parties

Applicant: Foundation for the Protection of the Traditional Cheese of Cyprus named Halloumi (Nicosia, Cyprus) (represented by: C. Milbradt, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Papouis Dairies LTD (Nicosia)

Details of the proceedings before EUIPO

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

Trade mark at issue: Application for European Union figurative mark fino Cyprus Halloumi Cheese — Application for registration No 11 180 791

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 29 April 2021 in Case R 578/2019-2

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO and the other party to the proceedings before the EUIPO to bear their own costs and pay those of the Applicant.

Plea in law

- Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 8 September 2021 — Foundation for the Protection of the Traditional Cheese of Cyprus named Halloumi v EUIPO — Papouis Dairies (Papouis Halloumi)

(Case T-565/21)

(2021/C 452/56)

Language of the case: English

Parties

Applicant: Foundation for the Protection of the Traditional Cheese of Cyprus named Halloumi (Nicosia, Cyprus) (represented by: C. Milbradt, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Papouis Dairies LTD (Nicosia)

Details of the proceedings before EUIPO

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

Trade mark at issue: Application for European Union figurative mark in colour containing the word element Papouis Halloumi Papouis Dairies LTD PAP since 1967 — Application for registration No 11 176 344

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 29 April 2021 in Case R 575/2019-2

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO and the other party to the proceedings before the EUIPO to bear their own costs and pay those of the Applicant.

Plea in law

- Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 20 September 2021 — Euranimi v Commission

(Case T-598/21)

(2021/C 452/57)

Language of the case: English

Parties

Applicant: European Association of Non-Integrated Metal Importers & distributors (Euranimi) (Brussels, Belgium) (represented by: M. Campa, D. Rovetta, P. Gjørtler and V. Villante, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the Commission Implementing Regulation (EU) 2021/1029 of 24 June 2021, amending Commission Implementing Regulation (EU) 2019/159 to prolong the safeguard measure on imports of certain steel products (OJ 2021, L 225I, p. 1);
- order the European Commission to bear the costs of the applicant's legal costs in the present proceedings.

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 that the Commission breaches the article 19 of Regulation (EU) 2015/478 of the European Parliament and of the Council of 11 March 2015 on common rules for imports ⁽¹⁾ by committing a manifest error of assessment in the determination of serious injury and likelihood of serious injury;
2. Second plea in law, alleging that the Commission's assessments of the relevant market data and the counterfactual related to terminating the safeguards are manifestly erroneous. Considering the exceptional world market situation, the Commission also breaches its duty to take into account the post investigating period (IP) year 2021 situation.

⁽¹⁾ OJ L 83, p. 16, 27.3.2015