

2. Second plea in law, alleging infringement of the principle of lawfulness of a legal measure on account of a failure to take into account the evidence provided.
 - The applicant claims that the defendant failed to take into account the evidence provided by the applicant in the final audit report, although it should have done so, and that it thereby infringed the principle of the lawfulness of a legal measure.
 - The applicant further claims that the evidence provided was furnished on the basis of a request by the auditor.
3. Third plea in law, alleging infringement of the principle of the lawfulness of a legal measure based on errors in calculation.
 - The applicant claims that the defendant erred in the determination of the sum on the basis of which the final sum to be returned to the defendant by the applicant was calculated.
 - The applicant objects that, were it to return the sum calculated by the defendant, it will return a sum that was never provided to it and it will therefore refund the defendant an essentially higher sum.
4. Fourth plea in law, alleging infringement of the principle of proportionality.
 - The applicant claims that it should be awarded payment of personnel costs in the amount of, at least, the average remuneration of the corresponding employees in the years 2008-2011 in IT companies in the Czech Republic. It considers the failure to award such costs to be unfair and disproportionate conduct on the part of the defendant.

**Action brought on 16 November 2021 — Asociación de Elaboradores de Cava de Requena v
Commission**

(Case T-732/21)

(2022/C 37/58)

Language of the case: Spanish

Parties

Applicant: Asociación de Elaboradores de Cava de Requena (Requena, Spain) (represented by: G. Guillem Carrau, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul, on the basis of Article 263 TFEU, the publication of the communication of approval of a standard amendment to the product specification for ‘Cava’, PDO-ES-A0735-AM10, ⁽¹⁾ published in accordance with Article 17(5) of Commission Delegated Regulation (EU) 2019/33 of 17 October 2018. ⁽²⁾

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 failure to comply with an essential procedural requirement in the examination of the file on the amendment which is the subject of the present action, since the Commission was aware that the amendment was the subject of an action pending before the courts of the Kingdom of Spain and did not suspend the procedure, contrary to the case-law in force in relation to Article 47 of the Charter of Fundamental Rights of the European Union.

2. Second plea in law, alleging breach of the rules governing the application of the Treaties, on the following grounds: the amendment was treated as a standard amendment, even though it should be identified as a ‘Union’ amendment under Article 14(1)(c) and (d) and related provisions (inter alia, Articles 15, 17 and 55) of Commission Delegated Regulation (EU) 2019/33 of 17 October 2018 and Article 6 of Delegated Regulation (EU) 2019/34;⁽³⁾ the publication at issue infringes the general principle of truthfulness, as regards optional labelling, arising from the requirement that the smaller geographical unit must be in the municipality of Requena, and the right of the consumer to be able to identify the origin of the product (Article 120 of Regulation (EU) No 1308/2013⁽⁴⁾ of the European Parliament and of the Council and Article 55(1) and (3) of Commission Delegated Regulation (EU) 2019/33 of 17 October 2018); the publication at issue infringes the rights acquired by the winemakers through almost 40 years of continuous use of the name CAVA DE REQUENA and the legal rules protecting those rights (Judgment of the Supreme Court of the Kingdom of Spain No 1893/1989 and enforcement decisions of 1991), and infringes Commission Delegated Regulation (EU) 2019/33 of 17 October 2018, Article 40 of which, by reference to Article 119 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council, makes it compulsory to indicate the provenance on the label, since it is not sufficient merely to indicate a postal code, contrary to what the Commission has alleged; the publication at issue infringes the principle of equal treatment vis-à-vis other producers of CAVA which have a smaller geographical unit and are able to indicate the geographical origin of the product to the consumer; the publication at issue infringes the Court’s case-law on market access developed in the context of the free movement of goods (Article 34 *et seq.* TFEU) and allows the cumulative effect of demand in the CAVA market, which infringes Article 101 TFEU.

⁽¹⁾ OJ 2021 C 369, p. 2.

⁽²⁾ Commission Delegated Regulation (EU) 2019/33 of 17 October 2018 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation (OJ 2019 L 9, p. 2).

⁽³⁾ Commission Implementing Regulation (EU) 2019/34 of 17 October 2018 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, amendments to product specifications, the register of protected names, cancellation of protection and use of symbols, and of Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards an appropriate system of checks (OJ 2019 L 9, p. 46).

⁽⁴⁾ Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ 2013, L 347, p. 671).

Action brought on 17 November 2021 — The Chord Company v EUIPO — AVSL Group (CHORD)

(Case T-734/21)

(2022/C 37/59)

Language of the case: English

Parties

Applicant: The Chord Company Ltd (Wiltshire, United Kingdom) (represented by: A. Deutsch, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: AVSL Group Ltd (Manchester, United Kingdom)

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 CHORD — European Union trade mark No 8 254 229