

Action brought on 13 January 2022 — CIMV v Commission**(Case T-26/22)**

(2022/C 109/39)

*Language of the case: French***Parties**

Applicant: Compagnie industrielle de la matière végétale (CIMV) (Neuilly sur-Seine, France) (represented by: B. Le Bret, R. Rard and P. Renié, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- Declare the present action admissible and well founded;
- Annul the contested decision;
- In the alternative, annul Article 3 of the contested decision in so far as it provides for enforcement;
- Order the Commission to pay the costs.

Pleas in law and main arguments

In support of the action against Decision C(2021) 7932 final of the European Commission of 28 October 2021, concerning the recovery of a sum of EUR 5 888 214,59, plus interest, owed by the CIMV, the applicant relies on four pleas in law.

1. First plea in law, alleging a clear substantive error resulting from the failure to take into account the schedule proposed by the CIMV and failure to state adequate reasons for the contested decision.
2. Second plea in law, alleging infringement of the principles of legitimate expectations and legal certainty.
3. Third plea in law, alleging infringement of the rights of the defence, the right to be heard and the principle of sound administration.
4. Fourth plea in law, alleging infringement of the principle of proportionality and failure to have regard for the aim of effective protection of the financial interests of the European Union.

Action brought on 18 January 2022 — Innovaciones Cosmético Farmacéuticas v EUIPO — Benito Oliver (th pharma)**(Case T-27/22)**

(2022/C 109/40)

*Language in which the application was lodged: Spanish***Parties**

Applicant: Innovaciones Cosmético Farmacéuticas SL (Alhama de Murcia, Spain) (represented by: J. Oria Sousa-Montes, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Miguel Ángel Benito Oliver (Pont D'Inca-Marratxi, Spain)

Details of the proceedings before EUIPO

Applicant for the trade mark at issue: Applicant before the General Court

Trade mark at issue: Application for EU figurative mark th pharma — Application for registration No 17 916 522

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the First Board of Appeal of EUIPO of 9 November 2021 in Case R 1605/2020-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs.

Plea in law

Infringement of Article 8(1)(b) and Article 47(2) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 14 January 2022 — Ryanair v Commission

(Case T-28/22)

(2022/C 109/41)

Language of the case: English

Parties

Applicant: Ryanair DAC (Swords, Ireland) (represented by: E. Vahida, S. Rating and G.-I. Metaxas-Maranghidis, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the defendant's decision of 26 July 2021 on State aid SA.63203 (2021/N) — Germany — *Restructuring aid for Condor*; and
- order the defendant to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging that the defendant committed an error of law and that the contested State aid falls outside the material scope of the Rescue and Restructuring Guidelines ⁽¹⁾, because Condor Flugdienst GmbH ('Condor') is being taken over by a larger business group and its difficulties are not intrinsic and result of an arbitrary allocation of costs.
2. Second plea in law, alleging that the defendant failed to demonstrate a market failure and social hardship.
3. Third plea in law, alleging that the defendant failed to provide a comparison with a credible alternative scenario not involving a State aid and does not establish that 'Condor' has exhausted all market options.
4. Fourth plea in law, alleging that the contested decision does not establish that the restructuring plan is realistic, coherent and far-reaching and is suitable to restore 'Condor's' long-term viability without relying on further State aid within a reasonable period of time.