

Pleas in law and main arguments

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

1. First plea in law, alleging infringement of the Treaty on the Functioning of the European Union, more specifically Article 298 thereof, and of Article 41 of the Charter of Fundamental Rights of the European Union on the right to good administration.
2. Second plea in law, alleging infringement of Article 202(4) of Regulation (EU, Euratom) No 2018/1046. ⁽²⁾
3. Third plea in law, alleging breach of the principle of proportionality.
4. Fourth plea in law, alleging infringement of the rights of defence.
5. Fifth plea in law, alleging infringement of Article II.9.1 of the General Conditions of the Grant Agreement.

⁽¹⁾ European Union Programme for the Environment and Climate Action.

⁽²⁾ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ 2018 L 193, p. 1).

Action brought on 9 May 2022 — Timchenko v Council

(Case T-252/22)

(2022/C 244/61)

Language of the case: French

Parties

Applicant: Gennady Nikolayevich Timchenko (Geneva, Switzerland) (represented by: T. Bontinck, A. Guillerme, L. Burguin, S. Bonifassi and E. Fedorova, lawyers)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul Council Decision (CFSP) 2022/337/CFSP ⁽¹⁾ of 28 February 2022 in so far as it lists the applicant under No 694 of the annex to that decision;
- annul Implementing Regulation (EU) 2022/336 ⁽²⁾ of 28 February 2022 in so far as it lists the applicant under No 694 of the annex to that regulation;
- order the Council to pay EUR 1 000 000, on a provisional basis, in respect of the non-material damage suffered by the applicant;
- order the Council to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging infringement of the right to effective judicial protection and of the obligation to state reasons.
2. Second plea in law, alleging infringement of the principle of proportionality and of fundamental rights.
3. Third plea in law, alleging manifest error of assessment, in particular as regards the ground based on the relationship between the applicant and President Putin, of the applicant's status as shareholder in the Volga Group, and of his status as shareholder in Bank Rossiya.
4. Fourth plea in law, alleging infringement of the principle of equal treatment.

5. Fifth plea in law, alleging infringement of the Treaties, in particular, of the principle of the free movement of citizens of the European Union and of the rules relating to the applicable legal basis.

- (¹) Council Decision (CFSP) 2022/337 of 28 February 2022 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ 2022 L 59, p. 1).
- (²) Council Implementing Regulation (EU) 2022/336 of 28 February 2022 implementing Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ 2022 L 58, p. 1).

Action brought on 10 May 2022 — ‘ANITA’ Grzegorz Mordalski v EUIPO — Anita Food (ANITA)

(Case T-254/22)

(2022/C 244/62)

Language in which the application was lodged: Polish

Parties

Applicant: ‘ANITA’ Grzegorz Mordalski (Działoszyn, Poland) (represented by: A. Korbela, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Anita Food, SA (Lima, Peru)

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: EU word mark ‘ANITA’ — EU trade mark No 8 291 056

Proceedings before EUIPO: Invalidity proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 3 March 2022 in Case R 1616/2021-4

Form of order sought

The applicant claims that the Court should:

- annul the decision of the Fourth Board of Appeal of EUIPO of 3 March 2022, delivered in Case R 1616/2021-4;
- annul the decision (preceding the aforementioned decision) of the Cancellation Division of EUIPO of 26 July 2021, delivered in Case No 000 047 106 C; and
- remit to EUIPO the application of 1 November 2020 seeking a declaration that the EU trade mark ANITA 008 291 056, registered in the name of Anita Food SA, Carretera Central No 869, Santa Anita, Lima 43, PERU, filed on 11 May 2009 and protected until 11 May 2019, is invalid.

Plea in law

- Incorrect interpretation of Regulation (EU) 2017/1001 of the European Parliament and of the Council, resulting in the declaration that the invalidation of EU trade marks that have already expired is inadmissible.
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