

**Action brought on 10 August 2022 — Cecoforma and Sopexa v REA****(Case T-493/22)**

(2022/C 380/26)

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

*Applicants:* Conception, études et coopération de formation (Cecoforma) (Liège, Belgium), Société pour l'expansion des ventes des produits agricoles et alimentaires (Sopexa) (Paris, France) (represented by: B. Schutyser and R. Meylemans, lawyers)

*Defendant:* European Research Executive Agency (REA)

**Form of order sought**

The applicants claim that the Court should:

- annul the decision of the European Research Executive Agency, undated but notified to Cecoforma on 20 July 2022, to award lot 1 of the public contract (REA/2021/OP/0002) concerning the organisation of promotion events and campaigns and market intelligence in third countries for the agri-food sector to One (Gopa Com, Edelman Public Relations Worldwide SA, Opera Business Dreams SL) and not to Cecoforma and Sopexa;
- order the European Research Executive Agency to pay the costs of the proceedings.

**Pleas in law and main arguments**

In support of the action, the applicants rely on two pleas in law.

1. First plea in law, alleging, first, infringement of the second paragraph of Article 296 TFEU, Article 41(2)(c) of the Charter of Fundamental Rights of the European Union, Article 170(3) of the Financial Regulation,<sup>(1)</sup> points 23 and 31 of Annex I to the Financial Regulation, and the general principles of transparency, non-discrimination and equal treatment, and, secondly, manifest error of assessment. The applicants claim in that regard that either the Agency failed to examine whether the tender of the tenderer to whom the contract was awarded was *prima facie* abnormally low, it took the view that the tender submitted by that tenderer was not abnormally low, or it accepted that tenderer's justification and took the view that its tender was not abnormally low.
2. Second plea in law, alleging infringement of the second paragraph of Article 296 TFEU, Article 41(2)(c) of the Charter of Fundamental Rights of the European Union, Article 167(1)(a) of the Financial Regulation, Article 168(6) of the Financial Regulation, point 30.2(c) of Annex I to the Financial Regulation, and the general principles of transparency, non-discrimination and equal treatment. The applicants claim that either the Agency did not verify whether the tenders were in order, or it wrongly took the view that the tender submitted by the successful tenderer was in order.

<sup>(1)</sup> 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 11 August 2022 — UGA Nutraceuticals v EUIPO — BASF (OMEGOR)****(Case T-495/22)**

(2022/C 380/27)

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

*Applicant:* UGA Nutraceuticals Srl (Gubbio, Italy) (represented by: M. Riva, J. Graffer and A. Ottolini, lawyers)

*Defendant:* European Union Intellectual Property Office (EUIPO)