

- annul the decision of the Secretariat-General of the European Commission of 15 July 2022 by which Veritas S.p.A. was refused access to the letter sent on 17 October 2019 by the Italian Authorities in EU Pilot procedure 9456/19/TAXUD and allow the applicant the requested access.

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 an error in law and a failure to state reasons in relation to procedural rules provided for in Article 4(4) and (5) of Regulation (EC) No 1049/2001 ⁽¹⁾ of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents. Contradictory nature.

- The applicant submits in that regard that the contested measure bases the refusal of access on a reconstruction that contradicts, without justification, that of the initial response from the institution regarding the fact that the Italian Authorities had exercised the right provided for in Article 4(5) of Regulation (EC) No 1049/2001.

- The error in law, the failure to state reasons and the contradictory nature of the documents in the procedure vitiate it, preventing verification of the legality of the procedure with respect to the rules applied and the assessments made, depriving the refusal of access of comprehensible justification.

2. Second plea in law, alleging an error in law and misuse of power in relation to a failure to state reasons/inadequate reasoning and failure to conduct a proper preliminary investigation.

- The contested decision refuses access in relation to the exception provided for in the second indent of Article 4(2) of Regulation (EC) No 1049/2001, but in the present case the reasoning is merely ostensible.

- In breach of the law, access to the document requested was refused without explaining how it could specifically and effectively undermine the protection of court proceedings, nor is it proven that the risk of undermining is reasonably foreseeable and not merely hypothetical, it not being specified to which national legal proceedings the decision refers.

- It is not explained why the sending of the document to Veritas compromises the principle of equality of arms within unspecified judicial proceedings of which Veritas is not even mentioned as a party.

- The decision lacks adequate verification in respect of the existence of a 'duly reasoned' objection of the Member State which opposes the disclosure of the document and in respect of the real existence of the need for protection provided for in the second indent of Article 4(2) Regulation (EC) No 1049/2001.

⁽¹⁾ OJ 2001 L 145 p. 43.

Action brought on 27 September 2022 — Société du Tour de France v EUIPO — FitX (TOUR DE X)

(Case T-604/22)

(2022/C 432/42)

Language in which the application was lodged: English

Parties

Applicant: Société du Tour de France (Boulogne-Billancourt, France) (represented by: T. de Haan and S. Vandezande, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: FitX Beteiligungs GmbH (Essen, Germany)

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 TOUR DE X — Application for registration No 16 701 039

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 11 July 2022 in Case R 1136/2019-2

Form of order sought

The applicant claims that the Court should:

- set aside the contested decision;
- order EUIPO and the intervener to bear the costs, including those incurred by the applicant before the Office's Second Board of Appeal.

Pleas in law

- Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 8(5) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 94 of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 30 September 2022 — Kozitsyn v Council

(Case T-607/22)

(2022/C 432/43)

Language of the case: French

Parties

Applicant: Andrey Anatolyevich Kozitsyn (Verkhnyaya Pyshma, Russia) (represented by: J. Grand d'Esnon, lawyer)

Defendant: Council of the European Union

Conclusions

The applicant claims that the Court should:

- primarily,
 - annul:
 - Council Decision (CFSP) No 2022/1272 of 21 July 2022 ⁽¹⁾ in so far as concerns Mr Kozitsyn;
 - Council Regulation (EU) No 2022/1270 of 21 July 2022 ⁽²⁾ in so far as concerns Mr Kozitsyn;