

**Form of order sought**

The applicant claims that the Court should:

- annul the decision taken on 13 November 2019 (ARES 2019 7018535 — 13/11/2019) that refers to partial rejection of eligible costs and recovery of the EU contribution and that requires the applicant to pay liquidated damages;
- order the Research Executive Agency to pay the costs of the proceedings including costs of professional representation before the Court incurred by the applicant.

**Pleas in law and main arguments**

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

1. First plea in law, alleging errors as to the established factual findings and violation of Polish labour law.
2. Second plea in law, alleging violation of the underlying principles of European Union law, in particular the rule of law.
3. Third plea in law, alleging lack of irregularities by the applicant.
4. Fourth plea in law, alleging lack of application of principle of proportionality.
5. Fifth plea in law, alleging an erroneous claim of breach by the applicant of grant agreements.
6. Sixth plea in law, a subsidiary plea, alleging that the contested decision was erroneously issued by the REA, an executive agency of the European Union, instead of the European Commission.
7. Seventh plea in law, a further subsidiary plea, alleging a violation of the law of the Kingdom of Belgium.
8. Eighth plea in law, also a subsidiary plea, alleging that the defendant's financial claims are time barred.

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**Action brought on 19 June 2020 — Flašker v Commission**

(Case T-392/20)

(2020/C 297/53)

*Language of the case: English*

**Parties**

*Applicant:* Petra Flašker (Grosuplje, Slovenia) (represented by: K. Zdolšek, lawyer)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- Annul the decision of the European Commission dated 24 March 2020 in Case SA.43546 — Alleged State aid to Lekarna Ljubljana, declaring that the measures complained of by the applicant do not constitute State aid without opening a formal investigation;
- order the European Commission to pay its own costs and also those incurred by the applicant.

**Pleas in law and main arguments**

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

1. First plea in law, alleging that the contested decision contains material contradictions in reasoning that amount to an infringement of the duty to state reasons prescribed by Article 296 TFEU.
2. Second plea in law, alleging errors in fact and in law in the Commission's conclusion that the measures constitute existing aid.
  - The applicant argues in that respect that the Commission's decision is based on inaccurate and incomplete facts and on the incorrect legal categorisation of those facts that amount to the infringement of Articles 107 and 108 of the TFEU.
3. Third plea in law, alleging that the errors in fact and law described in the first two pleas reveal enough difficulties in the Commission's assessment of this case and the insufficient examination of the relevant facts prior to adopting the decision to warrant a formal investigation procedure. These difficulties are compounded by other, procedural, difficulties presented in this third plea. In the presence of those difficulties, the Commission was required to initiate the formal investigation procedure and has, by refusing to do so, infringed the applicant's procedural rights deriving from Article 108(2) of TFEU.

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**Action brought on 27 June 2020 — Global Translation Solutions v Commission****(Case T-404/20)**

(2020/C 297/54)

*Language of the case: English***Parties**

*Applicant:* Global Translation Solutions ltd. (Valletta, Malta) (represented by: C. Mifsud-Bonnici, lawyer)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- annul the defendant's decisions of 17 April 2020 (i) to award Lot 22 EN>MT in connection with procurement procedure TRAD19 to the successful bidder, and (ii) to reject the applicant's bid submitted for Lot 22, and all related decisions of the defendant;
- order the defendant to pay costs.

**Pleas in law and main arguments**

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

1. First plea in law, alleging that the defendant's decisions of 17 April 2020 (i) to award Lot 22 EN>MT in connection with procurement procedure TRAD19 to the successful bidder, and (ii) to reject the applicant's bid submitted for Lot 22, are unlawful, on the basis that they are founded on a serious and manifest error of assessment in the formulation of the standard marking grid for the evaluation of the revision test.
2. Second plea in law, alleging that the defendant's decisions of 17 April 2020 (i) to award Lot 22 EN>MT in connection with procurement procedure TRAD19 to the successful bidder, and (ii) to reject the applicant's bid submitted for Lot 22, are unlawful, on the basis that the formulation of the standard marking grid was in breach of the law, inter alia Article 160(1) the Financial Regulation,<sup>(1)</sup> and contrary to the general principles of Union law, including, public procurement inter alia equal treatment and transparency.