

Form of order sought

The applicant claims that the Court should:

- annul the European Commission's decision (EU) of 24 February 2020 in State aid Case SA.56244 — Rescue aid to Tarom ⁽¹⁾; and
- order the European Commission to pay the 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 rescue aid to Tarom does not satisfy the compatibility condition of the European Commission's Rescue and Restructuring Guidelines ⁽²⁾ regarding the need for the rescue aid to contribute to an objective of genuine common interest because the Commission failed to assess the significance of Tarom on the domestic and international air transport markets and the likelihood of substitution of Tarom.
2. Second plea in law, alleging that the rescue aid does not satisfy the 'one time, last time' compatibility condition of the Rescue and Restructuring Guidelines because Tarom's previous restructuring period lasted until 2019, *i.e.*, less than ten years before the European Commission approved new rescue aid to Tarom through its decision of 24 February 2020.
3. Third plea in law, alleging that the European Commission failed to initiate a formal investigation procedure despite serious difficulties and violated the Applicant's procedural rights.
4. Fourth plea in law, alleging that the European Commission violated its duty to state reasons.

⁽¹⁾ OJ 2020, C 310, p. 3

⁽²⁾ Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty, OJ 2014, C 249, p. 1.

Action brought on 14 December 2020 — OM v Commission

(Case T-728/20)

(2021/C 53/63)

Language of the case: French

Parties

Applicant: OM (represented by: N. de Montigny, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the General Court should

- annul the decision rejecting requests for reimbursement 247-251 and 252-256;
- annul the decision of 23 March 2020 rejecting the complaint;
- order the defendant to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant invokes first of all the admissibility of her action against a decision notified through the rejection, dated 23 March 2020, of her complaint made on 5 December 2019, which the applicant considers to be a new decision, adopted on the basis of a new examination of her situation, after the administration accepted the main argument developed through her first complaint. As regards the substance, the applicant relies on four pleas in law:

1. First plea in law, alleging that the decisions are contradictory in relation to the change in reasoning following the previous reimbursement of similar expenses.
2. Second plea in law, alleging the lack of a specific and thorough examination of the requests for reimbursement of the medical expenses at issue.
3. Third plea in law, alleging failure to comply with the right to be heard.
4. Fourth plea in law, alleging manifest error of assessment of the file.

Action brought on 16 December 2020 — Boquoi Handels v EUIPO (Representation of an ice crystal on a blue circular background)

(Case T-734/20)

(2021/C 53/64)

Language of the case: German

Parties

Applicant: Boquoi Handels OHG (Grünwald, Germany) (represented by: S. Lorenz, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: Application for EU figurative mark (Representation of an ice crystal on a blue circular background) — Application for registration No 17 970 116

Contested decision: Decision of the Second Board of Appeal of EUIPO of 25 September 2020 in Case R 522/2020-2

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 7(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.
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