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Information and Notices

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(2020/C 247/01)

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These texts are available on:

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(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Request for a preliminary ruling from the Oberster Gerichtshof (Austria) lodged on 31 October 2019 — TN v WWK Lebensversicherung auf Gegenseitigkeit, VP

(Case C-803/19)

(2020/C 247/02)

Language of the case: German

Referring court

Oberster Gerichtshof

Parties to the main proceedings

Applicant: TN

Defendants: WWK Lebensversicherung auf Gegenseitigkeit, VP

Interested party: UO

By order of 28 May 2020, the Court of Justice of the European Union (Eighth Chamber) rules as follows:

Article 35(1) in conjunction with Article 36(1) of Directive 2002/83/EC of the European Parliament and of the Council of 5 November 2002 concerning life assurance, and Article 185(1) in conjunction with Article 186(1) of Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II), must be interpreted as not precluding a national provision according to which, in the event of the policyholder's withdrawal from the insurance contract, the tax on insurance premiums which is owed by the policyholder and collected by the insurer and paid to the State is excluded from those amounts which the insurer is required to repay to the policyholder — who must therefore claim a tax refund from the tax administration or possibly damages from the insurer — in so far as the procedural provisions laid down by the law applicable to the insurance contract with respect to the reclaiming of sums paid by way of insurance premium tax are not such as to call in question the effectiveness of the policyholder's right of cancellation under EU law, which it is for the referring court to ascertain.

Appeal brought on 30 January 2020 by K.A. Schmersal Holding GmbH & Co. KG against the judgment of the General Court (First Chamber) delivered on 21 November 2019 in Case T-527/18, K.A. Schmersal Holding v EUIPO — Tecnium (tec.nicum)

(Case C-52/20 P)

(2020/C 247/03)

Language of the case: English

Parties

Appellant: K.A. Schmersal Holding GmbH & Co. KG (represented by: A. Haudan, Rechtsanwalt)

Other party to the proceedings: European Union Intellectual Property Office

By order of 28 May 2020 the Court of Justice (Chamber determining whether appeals may proceed) held that the appeal is not allowed to proceed and that K.A. Schmersal Holding GmbH & Co. KG shall bear its own costs.

Appeal brought on 12 February 2020 by Refan Bulgaria OOD against the judgment of the General Court (Seventh Chamber) delivered on 12 December 2019 in Case T-747/18, Refan Bulgaria v EUIPO (Shape of a flower)

(Case C-72/20 P)

(2020/C 247/04)

Language of the case: English

Parties

Appellant: Refan Bulgaria OOD (represented by: A. Ivanova, адвокат)

Other party to the proceedings: European Union Intellectual Property Office

By order of 4 June 2020, the Court of Justice (Chamber determining whether appeals may proceed) decided that the appeal should not be allowed to proceed and ordered the appellant to bear its own costs.

Appeal brought on 12 February 2020 by Hästens Sängar AB against the judgment of the General Court (Second Chamber) delivered on 3 December 2019 in Case T-658/18, Hästens Sängar v EUIPO (Representation of a chequered gingham pattern)

(Case C-74/20 P)

(2020/C 247/05)

Language of the case: English

Parties

Appellant: Hästens Sängar AB (represented by: M. Johansson, advokat, R. Wessman, advokat)

Other party to the proceedings: European Union Intellectual Property Office

By order of 28 May 2020 the Court of Justice (Chamber determining whether appeals may proceed) held that the appeal is not allowed to proceed and that Hästens Sängar AB shall bear its own costs.

Request for a preliminary ruling from the Supremo Tribunal Administrativo (Portugal) lodged on 17 February 2020 (regularisation of 16 April 2020) — BPC Lux 2 Sàrl and Others v Banco de Portugal and Others

(Case C-83/20)

(2020/C 247/06)

Language of the case: Portuguese

Referring court

Supremo Tribunal Administrativo

Parties to the main proceedings

Applicants: BPC Lux 2 Sàrl, BPC UKI LP, Bennett Offshore Restructuring Fund Inc., Bennett Restructuring Fund LP, Queen Street Limited, BTG Pactual Global Emerging Markets and Macro Master Fund, L.P, BTG Pactual Absolute Return II Master Fund, L.P, CSS, LLC, Beltway Strategic Opportunities Fund L.P., EJF Debt Opportunities Master Fund, L.P, TP Lux HoldCo, S.a.r.l., VR Global Partners, L.P., CenturyLink, City of New York Group Trust, Dignity Health, GoldenTree Asset Management LUX S.a.r.l, GoldenTree High Yield Value Fund Offshore 110 Two Limited, San Bernardino County Employees Retirement Association, EJF DO Fund (Cayman), LP, Massa Insolvente da Espírito Santo Financial Group, S.A.

Defendants: Banco de Portugal, Banco Espírito Santo, S.A., Novo Banco, S.A.

Questions referred

1. Must EU law, in particular Article 17 of the [Charter of Fundamental Rights of the European Union] and Directive 2014/59/EU [1] of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council, and in particular Articles 36, 73 and 74 of that directive, be interpreted as precluding national legislation such as that set out above, which was applied through a resolution action consisting in the formation of a bridge bank and the separation of assets, and which, in partially transposing that directive before the deadline for transposition:

   (a) did not provide for a fair, prudent and realistic valuation of the assets and liabilities of the credit institution under resolution to be carried out before the resolution action was adopted;

   (b) did not provide for potential compensation based on the valuation referred to in point (a) to be paid to the institution under resolution or, where appropriate, to the holders of shares or other titles of ownership and which, instead, merely provided for any remaining proceeds from the sale of the bridge bank to be returned to the original credit institution or its insolvency estate;

   (c) did not establish that the shareholders of the institution under resolution were entitled to receive an amount not less than the amount it is calculated they would have received if the institution under resolution had been completely wound up under normal insolvency proceedings, and established such a safeguard mechanism only for creditors whose claims had not been transferred; and

   (d) did not provide for a separate valuation from that referred to in point (a) to be carried out in order to determine whether shareholders and creditors would have received more favourable treatment if the credit institution under resolution had entered into normal insolvency proceedings?

2. In the light of the case-law of the Court of Justice set out in the judgment of 18 December 1997, *Inter-Environnement Wallonie*, [Case C-129/96, [2] which was subsequently confirmed by the Court], is national legislation such as that described in the present proceedings, which partially transposes Directive 2014/59/EU, liable seriously to compromise the result prescribed by the directive, particularly by Articles 36, 73 and 74 thereof, in the context of taking the resolution action?

[1] OJ 2014 L 173 p. 190.
[2] EU:C:1997:628.

Appeal brought on 24 February 2020 by Société des produits Nestlé SA against the judgment of the General Court (Fourth Chamber) delivered on 19 December 2019 in Case T-40/19, Amigüitos pets & life v EUIPO — Société des produits Nestlé

(Case C-97/20 P)

(2020/C 247/07)

Language of the case: English

Parties

Appellant: Société des produits Nestlé SA (represented by: A. Jaeger-Lenz, C. Elkemann and A. Lambrecht, Rechtsanwälte)

Other parties to the proceedings: Amigüitos pets & life SA (represented by: N.A. Fernández Fernández-Pacheco, abogado), European Union Intellectual Property Office

By order of 4 June 2020, the Court of Justice (Chamber determining whether appeals may proceed) decided that the appeal should not be allowed to proceed and ordered the appellant to bear its own costs.

Request for a preliminary ruling from the Consiglio di Stato (Italy) lodged on 27 February 2020 — Regione Puglia v Ministero dell'Ambiente e della Tutela del Territorio e del Mare and Others

(Case C-110/20)

(2020/C 247/08)

Language of the case: Italian

Referring court

Consiglio di Stato

Parties to the main proceedings

Applicant: Regione Puglia

Defendant: Ministero dell'Ambiente e della Tutela del Territorio e del Mare, Ministero dei beni e delle attività culturali e del turismo, Ministero dello Sviluppo Economico, Presidenza del Consiglio dei Ministri, Commissione tecnica di verifica dell'impatto ambientale

Question referred

Is Directive 94/22/EC of the European Parliament and of the Council of 30 May 1994 [1] to be interpreted as precluding national legislation such as that described which on the one hand recommends, for the purpose of issuing a hydrocarbons exploration permit, an area of a specified extent, granted for a specific period of time — in the present case, an area of 750 square kilometres for six years — and on the other hand allows those limits to be exceeded by the issue of multiple exploration permits for adjacent areas to the same legal entity, provided that they are issued following separate administrative procedures?

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[1] Directive 94/22/EC of the European Parliament and of the Council of 30 May 1994 on the conditions for granting and using authorizations for the prospection, exploration and production of hydrocarbons (OJ 1994 L 164, p. 3).

Request for a preliminary ruling from the Landesgericht Linz (Austria) lodged on 9 March 2020 — ZK, AL v Deutsche Lufthansa AG

(Case C-131/20)

(2020/C 247/09)

Language of the case: German

Referring court

Landesgericht Linz

Parties to the main proceedings

Applicants: ZK, AL

Defendant: Deutsche Lufthansa AG

The case was removed from the Register of the Court of Justice by order of the Court dated 14 May 2020.

Reference for a preliminary ruling from the Supreme Court (Ireland) made on 25 March 2020 — G.D. v The Commissioner of the Garda Síochána, Minister for Communications, Energy and Natural Ressources, Attorney General

(Case C-140/20)

(2020/C 247/10)

Language of the case: English

Referring court

Supreme Court (Ireland)

Parties to the main proceedings

Plaintiff/Respondent: G.D.

Defendants/Appellants: Commissioner of the Garda Síochána, Minister for Communications, Energy and Natural Resources and Attorney General

Questions referred

1. Is a general/universal data retention regime — even subject to stringent restrictions on retention and access — per se contrary to the provisions of Article 15 of Directive 2002/58/EC ([1]), as interpreted in light of the Charter?

2. In considering whether to grant a declaration of inconsistency of a national measure implemented pursuant to Directive 2006/24/EC ([2]), and making provision for a general data retention regime (subject to the necessary stringent controls on retention and/or in relation to access), and in particular in assessing the proportionality of any such regime, is a national court entitled to have regard to the fact that data may be retained lawfully by service providers for their own commercial purposes, and may be required to be retained for reasons of national security excluded from the provisions of Directive 2002/58/EC?

3. In assessing, in the context of determining the compatibility with European Union law and in particular with Charter Rights of a national measure for access to retained data, what criteria should a national court apply in considering whether any such access regime provides the required independent prior scrutiny as determined by the Court of Justice in its case law? In that context can a national court, in making such an assessment, have any regard to the existence of ex post judicial or independent scrutiny?

4. In any event, is a national court obliged to declare the inconsistency of a national measure with the provisions of Article 15 of the Directive 2002/58/EC, if the national measure makes provision for a general data retention regime for the purpose of combating serious crime, and where the national court has concluded, on all the evidence available, that such retention is both essential and strictly necessary to the achievement of the objective of combating serious crime?

5. If a national court is obliged to conclude that a national measure is inconsistent with the provisions of Article 15 of Directive 2002/58/EC, as interpreted in the light of the Charter, is it entitled to limit the temporal effect of any such declaration, if satisfied that a failure to do so would lead to 'resultant chaos and damage to the public interest' (in line with the approach taken, for example, in *R (National Council for Civil Liberties) v Secretary of State for Home Department and Secretary of State for Foreign Affairs* [2018] EWHC 975, at para. 46)?

6. May a national court invited to declare the inconsistency of national legislation with Article 15 of the Directive 2002/58/EC, and/or to disapply this legislation, and/or to declare that the application of such legislation had breached the rights of an individual, either in the context of proceedings commenced in order to facilitate an argument in respect of the admissibility of evidence in criminal proceedings or otherwise, be permitted to refuse such relief in respect of data retained pursuant to the national provision enacted pursuant to the obligation under Article 288 TFEU to faithfully introduce into national law the provisions of a directive, or to limit any such declaration to the period after the declaration of invalidity of the Directive 2006/24/EC issued by the CJEU on the 8th day of April, 2014?

(1) Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (OJ 2002, L 201, p. 37).

(2) Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC (OJ 2006, L 105, p. 54).

Request for a preliminary ruling from the Bundesfinanzgericht (Austria) lodged on 16 April 2020 — AZ v Finanzamt Hollabrunn Korneuburg Tulln

(Case C-163/20)

(2020/C 247/11)

Language of the case: German

Referring court

Bundesfinanzgericht

Parties to the main proceedings

Applicant: AZ

Defendant: Finanzamt Hollabrunn Korneuburg Tulln

Question referred

Are Articles 18 and 45(1) of the Treaty on the Functioning of the European Union, Article 7(1) and (2) of Regulation (EU) No 492/2011 (1) of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union, Article 4, Article 5(b), Article 7 and Article 67 of Regulation (EC) No 883/2004 (2) of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems and the second sentence of Article 60(1) of Regulation (EC) No 987/2009 (3) of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems to be interpreted as precluding the application of national legislation which provides that family benefits for a child who is not actually permanently resident in the Member State that pays those family benefits, but is actually resident in another Member State of the European Union, in another contracting party to the Agreement on the European Economic Area or in Switzerland, must be adjusted on the basis of the comparative price levels, published by the Statistical Office of the European Union, for the State concerned in relation to the Member State that pays the family benefits?

(1) Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union (OJ 2011 L 141, p. 1).

(2) Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ 2004 L 166, p. 1).

(3) Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems (OJ 2009 L 284, p. 1).

GENERAL COURT

Judgment of the General Court of 10 June 2020 — Spliethoff's Bevrachtingskantoor v Commission

(Case T-564/15 RENV) ([1])

(Financial assistance in the field of Connecting Europe Facility (CEF) — Transport sector for the period 2014-2020 — Calls for proposals — Decision establishing the list of proposals selected — Rejection of the proposal — Manifest errors of assessment — Equal treatment — Obligation to state reasons)

(2020/C 247/12)

Language of the case: English

Parties

Applicant: Spliethoff's Bevrachtingskantoor BV (Amsterdam, Netherlands) (represented by: Y. de Vries and J. de Kok, lawyers)

Defendant: European Commission (represented by: S. Kalėda and J. Samnadda, acting as Agents)

Re:

Action under Article 263 TFEU for the annulment of Commission Implementing Decision C(2015) 5274 final of 31 July 2015 establishing the list of proposals selected for receiving EU financial assistance in the field of Connecting Europe Facility (CEF) — Transport sector, following the calls for proposals launched on 11 September 2014 based on the Multi-Annual Work Programme.

Operative part of the judgment

The Court:

1. Dismisses the action;

2. Orders the European Commission to pay its own costs as well as those incurred by Spliethoff's Bevrachtingskantoor BV relating to the appeal proceedings before the Court of Justice, in Case C-635/16 P, and relating to the initial proceedings before the General Court, in Case T-564/15;

3. Orders Spliethoff's Bevrachtingskantoor to pay the costs relating to the proceedings referred back to the General Court, in Case T-564/15 RENV.

([1]) OJ C 398, 30.11.2015.

Judgment of the General Court of 10 June 2020 — Sammut v Parliament

(Case T-608/18) ([1])

(Civil service — Officials — Rights and obligations of officials — Publication of a matter dealing with the work of the European Union — Obligation to provide information in advance — Article 17a of the Staff Regulations — Staff report — Liability)

(2020/C 247/13)

Language of the case: Maltese

Parties

Applicant: Mark Anthony Sammut (Foetz, Luxembourg) (represented by: P. Borg Olivier, lawyer)

Defendant: European Parliament (represented by: M. Sammut and I. Lázaro Betancor, acting as Agents)

Re:

Application based on Article 270 TFEU seeking, in essence, (i) annulment of the decision of the Parliament of 4 January 2018 in so far as it did not grant the applicant's request that an assessment made in his staff report for 2016 be removed and (ii) compensation for the material and non-material damage that he allegedly suffered as a result of that decision.

Operative part of the judgment

The Court:

1. Dismisses the action.

2. Orders Mark Anthony Sammut to pay the costs.

(1) OJ C 4, 7.1.2019.

Judgment of the General Court of 10 June 2020 — AL v Commission

(Case T-83/19) (1)

(Civil service — Special advisers — Appointment to the post of representative of the European Union in an international partnership body — Appointment of another representative of the European Union — Legitimate expectations — Right to be heard — Principle of good administration and duty to have regard to the welfare of officials — Liability)

(2020/C 247/14)

Language of the case: French

Parties

Applicant: AL (represented by: S. Rodrigues and A. Blot, lawyers)

Defendant: European Commission (represented by: L. Vernier and I. Melo Sampaio, acting as Agents)

Re:

Application under Article 270 TFEU seeking, first, annulment of the decision implicitly rejecting the applicant's claim for compensation of 19 December 2017 and of the decision of 12 November 2018 rejecting the applicant's complaint and, secondly, compensation of the material and non-material damage suffered by the applicant.

Operative part of the judgment

The Court:

1. Dismisses the action;

2. Orders AL to pay the costs.

(1) OJ C 122, 1.4.2019.

Judgment of the General Court of 10 June 2020 — L. Oliva Torras v EUIPO — Mecánica del Frío (Vehicle couplings)

(Case T-100/19) ([1])

(Community design — Invalidity proceedings — Registered Community design representing a coupling to hitch refrigeration or air conditioning equipment to a motor vehicle — Single head of claim seeking alteration — Implicit application for annulment — Admissibility — Ground of invalidity — Failure to comply with the requirements for protection — Articles 4 to 9 and Article 25(1)(b) of Regulation (EC) No 6/2002 — Extent of the examination carried out by the Board of Appeal — Position adopted by the Board of Appeal on the failure to comply with a requirement for protection during the procedure — Divergent conclusion in the contested decision — Obligation to state reasons — Article 62 and second sentence of Article 63(1) of Regulation (EC) No 6/2002)

(2020/C 247/15)

Language of the case: Spanish

Parties

Applicant: L. Oliva Torras, S.A. (Manresa, Spain) (represented by: E. Sugrañes Coca and M. D. Caballero Pérez, lawyers)

Defendant: European Union Intellectual Property Office (represented by: J. Crespo Carrillo and H. O'Neill, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Mecánica del Frío, S. L. (Cornellá de Llobregat, Spain) (represented by: J. Torras Toll, lawyer)

Re:

Action brought against the decision of the Third Board of Appeal of EUIPO of 19 November 2018 (Case R 1397/2017-3), relating to invalidity proceedings between L. Oliva Torras and Mecánica del Frío.

Operative part of the judgment

The Court:

1. Annuls the decision of the Third Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 19 November 2018 (Case R 1397/2017-3);

2. Dismisses the action as to the remainder;

3. Orders EUIPO to bear its own costs and to pay those incurred by L. Oliva Torras, SA;

4. Orders Mecánica del Frío, SL, to bear its own costs.

([1]) OJ C 139, 15.4.2019.

Judgment of the General Court of 10 June 2020 — Oosterbosch v Parliament

(Case T-131/19) ([1])

(Civil service — Contract staff — Remuneration — Shiftwork allowance — Article 56a of the Staff Regulations — Legal certainty — Principle of legality — Concept of night work)

(2020/C 247/16)

Language of the case: French

Parties

Applicant: Marc Oosterbosch (Brussels, Belgium) (represented by: M. Casado García-Hirschfeld, lawyer)

Defendant: European Parliament (represented by: M. Windisch and C. González Argüelles, acting as Agents)

Re:

Application under Article 270 TFEU for annulment of the applicant's salary statements for the months of March, April and June 2018.

Operative part of the judgment

The Court:

1. Dismisses the application;

2. Orders Mr Marc Oosterbosch to pay the costs.

(1) OJ C 148, 29.4.2019.

Judgment of the General Court of 10 June 2020 — eSky Group IP v EUIPO — Gröpel (e)

(Case T-646/19) (1)

(EU trade mark — Opposition proceedings — Application for the EU figurative mark e — Earlier international figurative mark e — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EU) 2017/1001)

(2020/C 247/17)

Language of the case: English

Parties

Applicant: eSky Group IP sp. z o.o. (Warsaw, Poland) (represented by: P. Kurcman, lawyer)

Defendant: European Union Intellectual Property Office (represented by: L. Rampini and V. Ruzek, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Gerhard Gröpel (Passau, Germany) (represented by: N. Maenz, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 24 July 2019 (Case R 223/2019-4), relating to opposition proceedings between Mr Gröpel and eSky Group IP.

Operative part of the judgment

The Court:

1. Dismisses the action;

2. Orders eSky Group IP sp. z o.o. to pay the costs.

(1) OJ C 383, 11.11.2019.

Judgment of the General Court of 10 June 2020 — FF&GB v EUIPO (ONE-OFF)

(Case T-707/19) ([1])

(EU trade mark — Application for EU figurative mark ONE-OFF — Absolute ground for refusal — No distinctive character — Article 7(1)(b) of Regulation (EU) 2017/1001)

(2020/C 247/18)

Language of the case: Italian

Parties

Applicant: FF&GB Srl (Mantua, Italy) (represented by: M. Locatelli, lawyer)

Defendant: European Union Intellectual Property Office (represented by: M.L. Capostagno, acting as Agent)

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 12 August 2019 (Case R 239/2019-5), concerning an application for registration of the figurative sign ONE-OFF as an EU trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action;

2. Orders FF&GB Srl to pay the costs.

([1]) OJ C 413, 9.12.2019.

Order of the General Court of 12 May 2020 –Dragnea v Commission

(Case T-738/18) ([1])

(Action for annulment — European Regional Development Fund — Romanian Regional Operational Programme 2007-2013 — OLAF's external investigations — OLAF's final reports and recommendations — National decision opening a criminal investigation — OLAF's refusal to open an investigation into the conduct of the previous investigations — Refusal to grant access to the OLAF investigation file — Act not open to challenge — Inadmissibility)

(2020/C 247/19)

Language of the case: English

Parties

Applicant: Liviu Dragnea (Bucharest, Romania) (represented by: B. O'Connor, Solicitor, and S. Gubel, lawyer)

Defendant: European Commission (represented by: J.-P. Keppenne and J. Baquero Cruz, acting as Agents)

Re:

Application under Article 263 TFEU for annulment of the letter of the European Anti-Fraud Office (OLAF) of 1 October 2018.

Operative part of the order

1. The action is dismissed.

2. Mr Liviu Dragnea shall pay the costs.

(1) OJ C 65, 18.2.2019.

Order of the General Court of 20 May 2020 — Nord Stream 2 v Parliament and Council

(Case T-526/19) (1)

(Action for annulment — Energy — Internal market in natural gas — Directive (EU) 2019/692 — Application of Directive 2009/73/EC to gas lines to or from third countries — No direct concern — Inadmissibility — Production of documents obtained unlawfully)

(2020/C 247/20)

Language of the case: English

Parties

Applicant: Nord Stream 2 AG (Zug, Switzerland) (represented by: L. Van den Hende and J. Penz-Evren, lawyers, and M. Schonberg, Solicitor advocate)

Defendants: European Parliament (represented by: L. Visaggio, J. Etienne and I. McDowell, acting as Agents) and Council of the European Union (represented by: A. Lo Monaco, S. Boelaert and K. Pavlaki, acting as Agents)

Re:

Application under Article 263 TFEU seeking annulment of Directive (EU) 2019/692 of the European Parliament and of the Council of 17 April 2019 amending Directive 2009/73/EC concerning common rules for the internal market in natural gas (OJ 2019 L 117, p. 1).

Operative part of the order

1. The documents produced by Nord Stream 2 AG as Annexes A. 14 and O. 20 are removed from the file and there is no need to take account of the passages of the application and annexes in which extracts of those documents are reproduced.

2. The application for a decision on a procedural issue submitted by the Council of the European Union is dismissed as to the remainder.

3. The documents produced by Nord Stream 2 as Annexes M. 26 and M. 30 are removed from the file.

4. The action is dismissed as inadmissible.

5. There is no need to adjudicate on the applications for leave to intervene submitted by the Republic of Estonia, by the Republic of Latvia, by the Republic of Lithuania, by the Republic of Poland and by the European Commission.

6. Nord Stream 2 is ordered to pay the costs of the European Parliament and of the Council, except for those relating to the applications for leave to intervene.

7. Nord Stream 2, the Parliament and the Council, as well as the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Poland and the Commission, are to bear their own costs in relation to the applications for leave to intervene.

(1) OJ C 305, 9.9.2019.

Order of the General Court of 20 May 2020 — Nord Stream v Parliament and Council

(Case T-530/19) (1)

(Action for annulment — Energy — Internal market in natural gas — Directive (EU) 2019/692 — Addition of Article 49a to Directive 2009/73/EC concerning the adoption of decisions derogating from certain provisions of that directive — Application of Directive 2009/73 to gas lines to or from third countries — Objection to the deadline of 24 May 2020 for granting derogations from the obligations laid down by Directive 2009/73 — No direct concern — No individual concern — Inadmissibility)

(2020/C 247/21)

Language of the case: English

Parties

Applicant: Nord Stream AG (Zug, Switzerland) (represented by: M. Raible, C. von Köckritz and J. von Andreae, lawyers)

Defendants: European Parliament (represented by L. Visaggio, J. Etienne and I. McDowell, acting as Agents) and Council of the European Union (represented by: A. Lo Monaco and S. Boelaert, acting as Agents)

Re:

Application under Article 263 TFEU seeking partial annulment of Directive (EU) 2019/692 of the European Parliament and of the Council of 17 April 2019 amending Directive 2009/73/EC concerning common rules for the internal market in natural gas (OJ 2019 L 117, p. 1).

Operative part of the order

1. The action is dismissed as inadmissible.

2. There is no need to adjudicate on the applications for leave to intervene submitted by the Republic of Estonia, by the Republic of Latvia, by the Republic of Lithuania, by the Republic of Poland and by the European Commission.

3. Nord Stream AG is ordered to pay the costs of the European Parliament and of the Council of the European Union, except for those relating to the applications for leave to intervene.

4. Nord Stream, the Parliament and the Council, as well as the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Poland and the Commission, are to bear their own costs in relation to the applications for leave to intervene.

(1) OJ C 312, 16.9.2019.

Order of the President of the General Court of 15 April 2020 — Anglo Austrian AAB and Belegging-Maatschappij 'Far-East' v ECB

(Case T-797/19 R-II)

(Interim measures — Regulation (EU) No 1024/2013 — Prudential supervision of credit institutions — Decision to withdraw authorisation as a credit institution — Further application — Article 160 of the Rules of Procedure)

(2020/C 247/22)

Language of the case: German

Parties

Applicants: Anglo Austrian AAB AG, formerly Anglo Austrian AAB Bank AG (Vienna, Austria), Belegging-Maatschappij 'Far-East' BV (Velp, Netherlands) (represented by: M. Fischer, J. Willheim, M. Ketzer and O. H. Behrends, lawyers)

Defendant: European Central Bank (represented by: C. Hernández Saseta, E. Yoo and V. Hümpfner, agents)

Re:

Application based on Articles 278 and 279 TFEU seeking suspension of the implementation of the decision of 14 November 2019, ref: ECB-SSM-2019-AT-8, WHD-2019-0009, by which the European Central Bank withdrew the authorisation of Anglo Austrian AAB Bank AG as a credit institution from the date of notification of the decision.

Operative part of the judgment

The Court:

1. Dismisses the application.

2. Reserves the costs.

Order of the President of the General Court of 25 May 2020 — Isopix v Parliament

(Case T-163/20 R and T-163/20 R II)

(Application for interim relief — Public supply contracts — Provision of photography services — Application for suspension of operation of a measure — Partial manifest inadmissibility of the main action — Inadmissibility — Urgency — Prima facie case — Balancing of competing interests)

(2020/C 247/23)

Language of the case: French

Parties

Applicant: Isopix SA (Ixelles, Belgium) (represented by: P. Van den Bulck and J. Fahner, lawyers)

Defendant: European Parliament (represented by: K. Wójcik and E. Taneva, acting as Agents)

Re:

Applications under Articles 278 and 279 TFEU requesting, in Case T-163/20 R, suspension of the operation of the Parliament's decision of 24 March 2020 informing the applicant that its tender for public contract COMM/D-G/AWD/2019/854 had not been accepted and that the contract had been awarded to another tenderer; and that the General Court order the Parliament to produce the tender analysis report and, in Case T-163/20 R II, suspension of the operation of the Parliament's decision of 17 April 2020 informing the applicant that its tender for public contract COMM/DG/AWD/2019/854 had been rejected on the ground that it did not fulfil the selection criteria relating to financial and economic standing.

Operative part of the order

1. Operation of the European Parliament's decision of 24 March 2020 informing Isopix SA that its tender for public contract COMM/DG/AWD/2019/854 had not been accepted and that the contract had been awarded to another tenderer is suspended.

2. The Parliament shall provide Isopix with a copy of the non-confidential version of the tender analysis report.

3. The application for interim relief in Case T-163/20 R II is dismissed as inadmissible.

4. The orders of 3 April 2020, Isopix v Parliament (T-163/20 R), and of 22 April 2020, Isopix v Parliament (T-163/20 R II) are rescinded.

5. Costs are reserved.

Action brought on 17 April 2020 — FT and Others v Commission

(Case T-224/20)

(2020/C 247/24)

Language of the case: French

Parties

Applicants: FT and 22 other applicants (represented by: J.-N. Louis, lawyer)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

— annul the Commission's decision establishing the applicants' remuneration slip for the month of June 2019 inasmuch as it applies, for the first time, the new correction coefficients applicable to their remuneration, with retroactive effect as of 1 August 2018;

— order the Commission to pay the costs.

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 infringement of Articles 64 and 65 of the Staff Regulations of Officials of the European Union ('the Staff Regulations'), breach of the principle of equal treatment and a manifest error of assessment. The applicants submit, in that regard, that the Commission has failed to provide them with information enabling them to understand not only the reduction of the correction coefficient applied to their remuneration, but also the retroactive application which generates a particularly large debt.

2. Second plea in law, alleging infringement of Article 85 of the Staff Regulations, of the principle of legal certainty and of the duty to have regard to the welfare of officials. The applicants submit that they that they could not have been aware of the exceptional reduction of the correction coefficient applied to their remuneration for the reference period with retroactive effect. In their opinion, as the conditions laid down by Article 85 of the Staff Regulations have not been met, the Commission cannot request repayment from them of several months' remuneration on the basis of the adjustment of the correction coefficient with retroactive effect.

Action brought on 17 April 2020 — FJ and Others v EEAS

(Case T-225/20)

(2020/C 247/25)

Language of the case: French

Parties

Applicants: FJ and 7 other applicants (represented by: J.-N. Louis, lawyer)

Defendant: European External Action Service

Form of order sought

The applicants claim that the Court should:

— annul the Commission's decision establishing the applicants' remuneration slip for the month of June 2019 inasmuch as it applies, for the first time, the new correction coefficients applicable to their remuneration, with retroactive effect as of 1 August 2018;

— order the Commission to pay the costs.

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 infringement of Articles 64 and 65 of the Staff Regulations of Officials of the European Union ('the Staff Regulations'), breach of the principle of equal treatment and a manifest error of assessment. The applicants submit, in that regard, that the defendant has failed to provide them with information enabling them to understand not only the reduction of the correction coefficient applied to their remuneration, but also the retroactive application which generates a particularly large debt.

2. Second plea in law, alleging infringement of Article 85 of the Staff Regulations, of the principle of legal certainty and of the duty to have regard to the welfare of officials. The applicants submit that they that they could not have been aware of the exceptional reduction of the correction coefficient applied to their remuneration for the reference period with retroactive effect. In their opinion, as the conditions laid down by Article 85 of the Staff Regulations have not been met, the Commission cannot request repayment from them of several months' remuneration on the basis of the adjustment of the correction coefficient with retroactive effect.

Action brought on 4 May 2020 — KG v Parliament

(Case T-251/20)

(2020/C 247/26)

Language of the case: English

Parties

Applicant: KG (represented by: S. Rodrigues and A. Champetier, lawyers)

Defendant: European Parliament

Form of order sought

The applicant claims that the Court should:

— annul the Parliament's decision dated 4 February 2020 rejecting her complaint of 29 November 2019:

— annul, if need be, the Parliament's decision dated 30 August 2019 rejecting her initial request of 4 April 2019;

— order the defendant to compensate the applicant for non-material damage estimated, *ex æquo et bono*, at the sum of EUR 5 000;

— order the defendant to reimburse to the applicant all the legal costs incurred and the fees of the applicant's retained legal counsel.

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 the misinterpretation of Article 20(3) of Annex XIII of the Staff Regulations and the breach of the principle of continuity of service.

2. Second plea in law, alleging breach of the principles of legitimate expectations and acquired rights.

3. Third plea in law, alleging breach of the right to a good administration and of the duty of care.

Action brought on 4 May 2020 — ClientEarth v Commission

(Case T-255/20)

(2020/C 247/27)

Language of the case: English

Parties

Applicant: ClientEarth AISBL (Brussels, Belgium) (represented by: F. Logue, Solicitor, and J. Kenny, Barrister-at-law)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul the implied decision of the European Commission dated 26 February 2020 in case GESTDEM No 2019/6819 refusing the applicant's request for access to documents in part;

— rule on the costs and order the European Commission to pay the applicant's costs as well as order any intervening parties to carry their own costs

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 Commission committed manifest errors of assessment and errors of law resulting in the misapplication of the protection of the decision-making process exception (second subparagraph of Article 4(3) Regulation No 1049/2001) ([1]) and failed to state reasons (Article 296 TFEU) because:

   — there is no decision-making process that would be seriously undermined by the partial disclosure of section 4 of the minutes of the 79th Meeting of the 'Technical Committee — Motor Vehicles', held in Brussels on 12 February 2019 ('Document B');

   — the Commission did not demonstrate that partial disclosure of section 4 of Document B would seriously undermine its decision-making process.

2. Second plea in law, alleging that the Commission committed manifest errors of assessment and errors of law resulting in the misapplication of the overriding public interest test of the second subparagraph of Article 4(3) of Regulation No 1049/2001 and failed to state reasons (Article 296 TFEU).

3. Third plea in law, alleging that the Commission committed an error of law in relying on the Standard Rules of Procedure for Committees, which are inapplicable based on Article 277 TFEU.

([1]) Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ 2001 L 145, p. 43).

Action brought on 4 May 2020 — JR v Commission

(Case T-265/20)

(2020/C 247/28)

Language of the case: French

Parties

Applicant: JR (represented by: L. Levi and A. Champetier, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— declare the present action admissible and well-founded;

— annul the Commission's decisions of 28 February 2020 and 9 April 2020 refusing to disclose personal data concerning the applicant;

— order the defendant to pay all the costs

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 infringement of Article 41 of the Charter of Fundamental Rights of the European Union, infringement of Regulation (EU) No 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the EU institutions, bodies, offices and agencies and on the free movement of such data and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ 2018 L 295, p. 39) and, in particular, Article 17 thereof. Finally, the applicant submits that the contested decisions infringe the fundamental right of access to personal data.

2. Second plea in law, alleging an infringement of the principle of sound administration and infringement of Regulation No 2018/1725, in particular of Articles 14(1) and (2) and 17(3) of that regulation.

Action brought on 7 May 2020 — JS v SRB

(Case T-270/20)

(2020/C 247/29)

Language of the case: English

Parties

Applicant: JS (represented by: L. Levi and A. Champetier, lawyers)

Defendant: Single Resolution Board (SRB)

Form of order sought

The applicant claims that the Court should:

— annul the 2018 appraisal report communicated to him on 12 June 2019;

— annul also, and so far as necessary, the decision dated 22 January 2020, notified on 28 January 2020, rejecting his complaint of 12 September 2019;

— order the payment of financial compensation in respect of non-material harm, which can be evaluated, *ex aequo et bono*, at the sum of EUR 15 000;

— order compensation of his material prejudice at the sum of EUR 2 322 caused by the salary freeze at AD6/3 for the period of 12 months since August 2019;

— order the defendant to pay all 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 manifest errors of assessment and libellous accusations.

2. Second plea in law, alleging the lack of professional objectives and the lack of an applicable job description.

3. Third plea in law, alleging breach of the principle of impartiality and breach of the decision of the SRB taken in its plenary session of 25 March 2015. ([1])

4. Fourth plea in law, alleging breach of Article 5 of the said SRB decision of 25 March 2015 and breach of the duty of care.

   With regard to the request for compensation, the applicant relies on the fault committed by the defendant, the damage he suffered, and the link between the fault and the damage.

([1]) Decision of the Board of 25 March 2015 laying down general provisions for implementing Article 43 of the Staff Regulations and implementing the first paragraph of Article 44 of the Staff Regulations for temporary staff.

Action brought on 8 May 2020 — JS v SRB

(Case T-271/20)

(2020/C 247/30)

Language of the case: English

Parties

Applicant: JS (represented by: L. Levi and A. Champetier, lawyers)

Defendant: Single Resolution Board (SRB)

Form of order sought

The applicant claims that the Court should:

— annul the decision of 14 June 2019 decision communicated to the applicant on 17 June 2019 and rejecting his request for assistance of 2 May 2019;

— annul in addition, and so far as necessary, the decision communicated to the applicant on 29 January 2020 rejecting his complaint of 14 September 2019;

— order compensation of the non-material prejudice suffered by the applicant which can be evaluated, *ex aequo et bono*, at EUR 20 000;

— order furthermore compensation of his quantified and evidenced material prejudice evaluated at EUR 77 408;

— order the defendant to pay all the costs.

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 a breach of Article 12a(3) of the Staff Regulations and of Article 2.1 of the SRB policy adopted by decision of the plenary session of the SRB of 29 November 2017. ([1])

2. Second plea in law, alleging a breach of Article 24 of the Staff Regulations and of Article 7.3 of the said SRB policy.

3. Third plea in law, alleging a breach of the duty of care.

   With regard to the request for compensation, the applicant relies on the fault committed by the defendant, the damage he suffered and the link between the fault and the damage.

([1]) Policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment.

Action brought on 11 May 2020 — MHCS v EUIPO — Lidl Stiftung (Shades of colour orange)

(Case T-274/20)

(2020/C 247/31)

Language of the case: English

Parties

Applicant: MHCS (Épernay, France) (represented by: O. Vrins, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Lidl Stiftung & Co. KG (Neckarsulm, Germany)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Applicant before the General Court

Trade mark at issue: European Union figurative mark (Colour consisting of certain shades of the colour orange) — European Union trade mark No 747 949

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the First Board of Appeal of EUIPO of 24 February 2020 in Case R 2392/2018-1

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— order EUIPO and the intervener to bear their own costs;

— order EUIPO to pay the costs incurred by the applicant.

Pleas in law

— Infringement of Article 95(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;

— Infringement of Article 26(1) of Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark and/or of Rule 1(1)(d) in conjunction with Rule 3(2), (3) and (5) of Commission Regulation (EC) No 2868/95 of 13 December 1995, implementing Council Regulation (EC) No. 40/94 on the Community trade mark;

— Infringement of the general principle of the protection of legitimate expectations and the principles of legal certainty and sound administration (including the duty to state reasons);

— Infringement of Article 94(1) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;

— Infringement of Article 41(2) of the Charter of Fundamental Rights of the European Union.

Action brought on 11 May 2020 — Westfälische Drahtindustrie and Others v European Commission

(Case T-275/20)

(2020/C 247/32)

Language of the case: German

Parties

Applicants: Westfälische Drahtindustrie GmbH (Hamm, Germany), Westfälische Drahtindustrie Verwaltungsgesellschaft mbH & Co. KG (Hamm) and Pampus Industriebeteiligungen GmbH & Co. KG (Iserlohn, Germany) (represented by: O. Duys and N. Tkatchenko, lawyers)

Defendant: European Commission

Forms of order sought

The applicants claim that the General Court should:

— Declare invalid the European Commission's letter of 2 March 2020, in which the agentof Commission Director-General for Budget required the first applicant to pay an amount of EUR 12 236 931,69 to the Commission;

— Consequently, hold that the payments made by the first applicant to the Commission between 29 June 2011 and 16 June 2015 in the amount of EUR 16 400 000 plus compensatory interest which has become due of EUR 1 420 610, making a combined total of EUR 17 820 610 are to be taken into account in respect of the standalone fine imposed by the General Court in Case *Westfälische Drahtindustrie and Others* v *Commission* (T-393/10, EU:T:2015:515) with effect to 15 July 2015 and that as a result of the payment of 17 October 2019 of EUR 18 149 636,24 that fine has already been paid in full; and

— Order the Commission to pay to the first applicant an amount of EUR 1 633 085,17 together with compensatory interest since 17 October 2019 and default interest calculated at the average rate applied by the ECB at the relevant time to its main refinancing operations, increased by 3,5 % from 17 October 2019 until reimbursement in full of the amount owed;

— In the alternative, order the European Union, represented by the European Commission to pay compensation to the first to third applicants in the amount of EUR 12 236 931,69 in settlement of the amount claimed from the first applicant by the Commission letter of 2 March 2020 and to pay to the first defendant the amount of the overpayment being EUR 1 633 085,17 together with compensatory interest since 17 October 2019 and default interest calculated at the average rate applied by the ECB at the relevant time to its main refinancing operations, increased by 3,5 % from 17 October 2019 until reimbursement in full of the amount owed;

— and in any event, order the defendant to pay the costs.

Pleas in law and main arguments

The action is based on the following pleas in law:

1. First plea: Infringement of Art. 266(1) TFEU due to (continuing) insufficient action to ensure compliance due to the annulment of the invalid fine caused by failure to have regard to the scope of the judicial declaration of invalidity with respect to the fine which has (retrospectively) become invalid. The Court did not uphold the invalid fine, but rather ordered the applicants to pay a new and standalone fine imposed by it.

2. Second plea: Infringement of Art. 266(1) TFEU and Art. 99(4) and Art. 98(4)(1)(b) of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council [1] due to incorrectly accepting default interest since 4 January 2011 as the Commission improperly failed to take into account to the benefit of the applicant the payments wrongly (ex tunc) made by the first applicant until delivery of the judgment of 15 July 2015 and the compensatory interest which had become due on the fine newly imposed by the Court with effect to 15 July.

3. Third plea: Failure to have regard to the principle of ne bis in idem due to the (actual) increase of the court-imposed fine, since the Commission has incorrectly been demanding payment by the applicants of retrospective default interest since 4 January 2011.

4. Fourth plea: Infringement of Art. 266(1) TFEU and Art. 99(4)(b) of Regulation 2018/1046 due to incorrect calculation of the maximum permitted amount of the default interest owed since 15 October.

5. Fifth plea: Infringement of Art. 266(1) TFEU due to failure to have regard to the principles and rules of sound administration since the Commission is improperly demanding from the applicants payment of an (additional) sum (plus default interest) which exceeds the fine imposed by the Court (plus default interest).

[1] 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 Regulation (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 May 2020 — Crevier v EUIPO (Air deodorizing apparatus)

(Case T-276/20)

(2020/C 247/33)

Language of the case: English

Parties

Applicant: Jeffrey Scott Crevier (Fort Lauderdale, Florida, United States) (represented by: M. Kime, Barrister)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Design: Application for registration No 5 652 872

Contested decision: Decision of the Third Board of Appeal of EUIPO of 2 March 2020 in Case R 2396/2019-3

Form of order sought

The applicant claims that the Court should:

— set aside the contested decision;

— set aside the decision of the Examiner appealed against in respect of rejection of the application for *restitutio in integrum* as a whole;

— grant of *restitutio in integrum*, alternatively, refer the matter back to EUIPO with appropriate directions to EUIPO;

— order EUIPO to pay the costs.

Pleas in law

— Infringement of title VIII, ie Articles 62-78, of Council Regulation (EC) No 6/2002;

— Infringement of chapters VII–XIX, Articles 38-84 of Commission Regulation (EC) No 2245/2002;

— Infringement of the EU Treaty;

— Infringement of a rule of law.

Action brought on 7 May 2020 — MKB Multifunds v Commission

(Case T-277/20)

(2020/C 247/34)

Language of the case: Dutch

Parties

Applicant: MKB Multifunds BV (Zierikzee, Netherlands) (represented by: J. van de Hel en R. Rampersad, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul the decision of the Commission of 27 February 2020 concerning State aid SA.55704 (2019/FC) — The Netherlands — Alleged aid related to the Dutch Venture Initiative ('DVI');

— order the Commission to reopen its investigation;

— order the Commission to pay the costs.

Pleas in law and main arguments

In support of its action, the applicant puts forward three pleas in law.

1. First plea: the Commission erred in determining that the investments of DVI, a fund-of-funds structure, in private equity funds were market conform.

2. Second plea: the Commission erred in determining that the overall fee structure of the European Investment Fund (EIF) was in line with the fee structure of a comparable market operator of fund-of-funds.

3. Third plea: the Commission erred in determining that the investment by the Netherlands Government in DVI's fund-of-funds structure was market conform.

Action brought on 8 May 2020 — CX v Commission

(Case T-280/20)

(2020/C 247/35)

Language of the case: French

Parties

Applicant: CX (represented by: É. Boigelot, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul the decision of 28 June 2019 in file CMS 12/042, bearing the reference Ares(2019)4110741, to remove the applicant from his post under Article 9(1)(h) of Annex IX of the Staff Regulations, without reducing his pension rights;

— annul the decision of 30 January 2020, bearing the reference Ares(2020)577152, notified that same day, by which the appointing authority rejected the applicant's complaint, which he had lodged on 28 September 2019, under the reference R/538/19, against the contested decision;

— order the defendant to pay all the costs, in accordance with the rules of procedure of the General Court of the European Union.

Pleas in law and main arguments

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

1. First plea in law, refuting the accuracy of the facts adduced and alleging distortion of the evidence, manifest errors of assessment, insufficient reasoning and breach of the duty to state reasons. The applicant claims, inter alia, the distortion of the only piece of evidence against him in so far as the Appointing Authority alleges an 'unauthorised price negotiation' on the basis of a single email, even though its very wording shows that the applicant merely transmitted to the contractor, in full compliance with the framework contract, a clear and unequivocal instruction. That was far from being a 'negotiation', which would have required, at the very least, a series of discussions with a view to reaching an agreement with, potentially, waivers from both parties. The applicant adds that the exchanges between him and the contractor merely demonstrate that the work required to establish a final version of the questionnaire and related services is cooperative and repetitive and in no way constitutes a 'negotiation'. The Appointing Authority thus drew conclusions from non-established facts and committed a manifest error of assessment.

2. Second plea in law, alleging a breach of the reasonable time principle, that an excessive length of time that has elapsed since the alleged facts and that the disciplinary liability is time barred. According to the applicant, the alleged facts date back to September 2001 and June 2003, respectively, that is to say 18 and 16 years before the date of the contested decision. The disciplinary proceedings were initiated on 7 February 2013, respectively 11 and 9 years after the date of the alleged facts. The applicant claims that the delay between the alleged facts and the contested decision is manifestly unreasonable. He adds that the length of time that has elapsed since the alleged facts should have led the Appointing Authority to reduce its disciplinary liability, or even declare that liability to be time-barred.

3. Third plea in law, alleging breach of the rights of the defense and breach of the equality of arms. The applicant claims that the Commission did not accede to the numerous requests he has made since the start of proceedings in 2013, to disclose the documents he considered essential for his defense, namely, inter alia, all of his emails relating to the two complaints against him, the framework contract, the intermediate and final questionnaires of the survey in question and the relevant financial file. That amounts to a violation of the rights of the defense and a breach of the equality of arms.

4. Fourth plea in law, alleging formal and procedural errors and breach of the duty to investigate thoroughly for both incriminatory and exculpatory purposes. The applicant claims that on 16 April 2018, the Criminal Court of [*confidential*] ([1]) held that none of the alleged facts had been established and acquitted the applicant 'of all the charges against him' and it should be noted that that court ruled on exactly the same facts on which the contested decision is based. The applicant thus takes the view that by failing to transmit to the Disciplinary Board an essential piece of evidence such as a court decision, which has become final, acquitting the applicant completely, the Appointing Authority breached its obligation to communicate to the Disciplinary Board all relevant and useful documents for the establishment of its opinion and thus committed a procedural irregularity.

5. Fifth plea in law, alleging breach of the presumption of innocence and the obligation to be impartial. According to the applicant, the Secretary General wrote to the Vice-Presidents of the Commission, to two Members of the Commission, to the Director-General he reports to, to the Director-General of Human Resources and to the Appointing Authority stating that the investigation 'confirmed the conflict of interests and highlighted various irregularities on the part of the person concerned', which constitutes a violation of the presumption of innocence and the obligation to be impartial.

6. Sixth plea in law, alleging the use of a document that should be considered legally non-existent, that that document does not exist and the breach of Article 1(1) of Annex IX to the Staff Regulations of the European Union ('the Staff Regulations'). The applicant notes that OLAF never heard him on the relevant facts between 3 May 2011 and 18 April 2012, the date on which his report was sent, and that that breach of its obligation to hear the applicant before finalising its report must render that report legal non-existent.

7. Seventh plea in law, alleging breach of Article 10 of Annex IX to the Staff Regulations, of the principle of legal certainty, of the principle of proportionality and of legitimate expectations and a manifest error of assessment, in so far as the sanction is not commensurate to the alleged facts. The applicant claims in that regard that the sanction imposed by the Appointing Authority is manifestly disproportionate. According to him, the relative seriousness of the alleged facts should be taken into account since the disputed sum amounts to EUR 2000. In addition, excessive length of time that has elapsed since the alleged facts. The sanction imposed resulted in depriving the applicant's family of all resources and health insurance, which is manifestly disproportionate.

([1]) Confidential information omitted.

Action brought on 15 May 2020 — Facegym v EUIPO (FACEGYM)

(Case T-289/20)

(2020/C 247/36)

Language of the case: English

Parties

Applicant: Facegym Ltd (London, United Kingdom) (represented by: M. Edenborough, QC)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: International registration designating the European Union in respect of the word mark FACEGYM — Application for registration No. W1 466 456

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 27 February 2020 in Case R 70/2020-5

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

alternatively

— alter the contested decision so that it is now held that the allegedly offending goods and services of the International Trade Mark Registration do not offend against Article 7(1)(b) or (c);

— order EUIPO to pay the applicant's costs of and occasioned by this application and the costs below.

Plea in law

— Infringement of Article 7(1)(b) or (c) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 22 May 2020 — Talleres de Escoriaza v EUIPO — Salto Systems (KAAS KEYS AS A SERVICE)

(Case T-294/20)

(2020/C 247/37)

Language of the case: English

Parties

Applicant: Talleres de Escoriaza, SA (Irún, Spain) (represented by: T. Müller and F. Togo, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Salto Systems, SL (Oiartzun, Spain)

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: European Union word mark KAAS KEYS AS A SERVICE — European Union trade mark No 14 899 439

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 28 February 2020 in Case R 1363/2019-4

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— order EUIPO and the other party to pay the costs incurred by the applicant.

Pleas in law

— Infringement of the duty to state reasons;

— Infringement of the right to be heard;

— Infringement of Article 59(1)(a) in conjunction with Article 7(1)(c) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;

— Infringement of Article 59(1)(a) in conjunction with Article 7(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;

— Infringement of Article 59(1)(a) in conjunction with Article 7(1)(d) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 21 May 2020 — Aquind and Others v Commission

(Case T-295/20)

(2020/C 247/38)

Language of the case: English

Parties

Applicants: Aquind Ltd (Wallsend, United Kingdom), Aquind SAS (Rouen, France), Aquind Energy (Luxembourg, Luxembourg) (represented by: S. Goldberg, Solicitor, E. White, lawyer, C. Davis and J. Bille, Solicitors)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

— annul the contested measure, that is the Delegated Regulation, insofar as it removes AQUIND Interconnector from the Union List;

— in the alternative, annul the Delegated Regulation in its entirety; and

— order the European Commission to pay the costs of the applicants in the present proceedings.

Pleas in law and main arguments

In their application, the applicants ask the Court to annul Commission Delegated Regulation (EU) 2020/389 of 31 October 2019 amending Regulation (EU) No 347/2013 of the European Parliament and of the Council as regards the Union list of projects of common interest ([1]).

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

1. First plea in law, alleging a failure to state reasons for the removal of AQUIND Interconnector from the Union list.

   — In breach of the obligation to state reasons, the Delegated Regulation does not contain or refer to any statement of reasons for the removal of AQUIND Interconnector from the Union list and the applicants were not given any reasons for the removal.

2. Second plea in law, alleging an infringement of the procedural and substantive requirements under Regulation (EU) No 347/2013 ([2]) (the 'TEN-E Regulation') and in particular Article 5(8) thereof.

   — The establishment of the list of projects of common interest for the purposes of the Delegated Regulation was not in compliance with the requirements of the TEN-E Regulation.

3. Third plea in law, alleging an infringement of Article 10(1) of the Energy Charter Treaty.

   — The removal of AQUIND Interconnector from the Union list and the lack of any reasons for such removal infringe obligations under Article 10(1) of the Energy Charter Treaty to provide stable, equitable and transparent conditions and to accord fair and equitable treatment to investments.

4. Fourth plea in law, alleging an infringement of the right to good administration under Article 41 of the Charter of Fundamental Rights of the European Union.

   — In breach of the Article 41 of the Charter of Fundamental rights, AQUIND Interconnector's removal from the Union list was not handled impartially and the applicants had no right to be heard before the adoption of the Delegated Regulation.

5. Fifth plea in law, alleging an infringement of the Union law principle of equal treatment.

   — In breach of the Union law principle of equal treatment, AQUIND Interconnector was treated in a different and unfair manner in comparison to comparable proposed projects of common interest (PCI) without any objective justification for such unequal treatment.

6. Sixth plea in law, alleging an infringement of the Union law principle of proportionality.

   — As an existing PCI in the development stage, the simple removal of AQUIND Interconnector from the Union list without carrying out a detailed comparison of comparable projects and without the applicants being given an opportunity to remedy any problems is disproportionate.

7. Seventh plea in law, alleging an infringement of the Union law principles of legal certainty and legitimate expectations.

   — The contested measure infringes the applicants' legitimate expectations that it would be entitled to rely on its inclusion in the Union list and that the process of preparing the Union list of PCIs would be carried out in accordance with the objectives and obligations of the TEN-E Regulation and other applicable legal requirements.

([1]) OJ 2020 L 74, p. 1.

([2]) Regulation (EU) No 347/2013 of the European Parliament and of the Council of 17 April 2013 on guidelines for trans-European energy infrastructure and repealing Decision No 1364/2006/EC and amending Regulations (EC) No 713/2009, (EC) No 714/2009 and (EC) No 715/2009 (OJ 2013 L 115, p. 39).

Action brought on 22 May 2020 — Nosio v EUIPO — Tros del Beto (ACCUSÌ)

(Case T-300/20)

(2020/C 247/39)

Language of the case: English

Parties

Applicant: Nosio SpA (Mezzocorona, Italy) (represented by: J. Graffer, G. Rubino, A. Ottolini, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Tros del Beto, SLU (Marçà, Spain)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Applicant before the General Court

Trade mark at issue: Application for European Union word mark ACCUSÌ — Application for registration No 16 014 921

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the First Board of Appeal of EUIPO of 13 March 2020 in Case R 871/2019-1

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— declare the signs dissimilar;

— admit the opposed application to registration.

Plea in law

— Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 19 May 2020 — Hengshi Egypt Fiberglass Fabrics and Jushi Egypt for Fiberglass Industry v Commission

(Case T-301/20)

(2020/C 247/40)

Language of the case: English

Parties

Applicants: Hengshi Egypt Fiberglass Fabrics SAE (Ain Sukhna, Egypt), Jushi Egypt for Fiberglass Industry SAE (Ain Sukhna) (represented by: B. Servais and V. Crochet, lawyers)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

— annul Commission Implementing Regulation (EU) 2020/492 of 1 April 2020 imposing definitive anti-dumping duties on imports of certain woven and/or stitched glass fibre fabrics originating in the People's Republic of China and Egypt, in as far as it relates to the applicants ([1]);

— order the defendant to pay the costs.

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 that the Commission's methodology for establishing Hengshi's cost of production and the SG&A and profit for the calculation of Hengshi's constructed normal value violates Article 2(5) as well as Articles 2(3), 2(6), 2(11), 2(12) and 9(4) of the Basic Regulation.

2. Second plea in law, alleging that the Commission's methodology for the determination of the undercutting and underselling margins with regard to the applicants violates Articles 3(1), 3(2), 3(3), 3(6) and 9(4) of the Basic Regulation.

([1]) OJ 2020, L 108, p. 1.

Action brought on 15 May 2020 — Del Valle Ruiz and Others v SRB

(Case T-302/20)

(2020/C 247/41)

Language of the case: Spanish

Parties

Applicants: Antonio Del Valle Ruiz (Mexico City, Mexico) and 36 other applicants (represented by: P. Rubio Escobar, R. Ruíz de la Torre Esporrín and B. Fernández García, lawyers)

Defendant: Single Resolution Board

Form of order sought

The applicants claim that the General Court should:

— annul the Decision of the Single Resolution Board of 17 March 2020 (SRB/EES/2020/52) determining whether compensation needs to be granted to the shareholders and creditors of Banco Popular Español S.A.;

— order the defendant and any parties intervening in full or partial support of it to pay the costs.

Pleas in law and main arguments

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

First plea in law, alleging infringement of Article 15(1)(g) of Regulation (EU) No 806/2014 of the European Parliament and of the Council of 15 July 2014 establishing uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Resolution Fund and amending Regulation (EU) No 1093/2010 ('Regulation No 806/2014'). In that connection, the applicants submit that the former shareholders of Banco Popular should not have sustained greater losses in the resolution than those that they would have incurred in the case of an ordinary insolvency.

Second plea in law, alleging infringement of Article 20(16) of Regulation No 806/2014. The applicants submit, in that regard, that the contested decision failed to assess whether the former shareholders of Banco Popular would have received better treatment in ordinary insolvency proceedings than in the resolution, since insolvency proceedings were equated with liquidation. Furthermore, the valuation was not carried out by an independent person.

Third plea in law, alleging infringement of Article 41(2) of the Charter of Fundamental Rights of the European Union ('the Charter'), in so far as there was infringement of the right of the former shareholders of Banco Popular to be heard before the individual measure which would affect them adversely was taken.

Fourth plea in law, alleging infringement of Article 47 of the Charter. In that connection, the applicants allege infringement of the right of the former shareholders of Banco Popular to effective judicial protection, leaving them defenceless as a consequence.

Fifth plea in law, alleging infringement of Article 17 of the Charter and Article 1 of Protocol No 1 to the European Convention on Human Rights and Fundamental Freedoms, in so far as the shareholders were deprived of their right to property without having received fair compensation for that loss.

Sixth plea in law, alleging infringement of Article 52 of the Charter. It is submitted in that regard that the SRB deprived the shareholders of their right to property without complying with the legally established limits.

Action brought on 15 May 2020 — Arias Mosquera and Others v SRB

(Case T-303/20)

(2020/C 247/42)

Language of the case: Spanish

Parties

Applicants: José María Arias Mosquera (Madrid, Spain) and 28 other applicants (represented by: P. Rubio Escobar, R. Ruíz de la Torre Esporrín, A. Menéndez Menéndez and B. Fernández García, lawyers)

Defendant: Single Resolution Board

Form of order sought

The applicants claim that the Court should:

— annul Decision SRB/EES/2020/52 of the Single Resolution Board of 17 March 2020 determining whether compensation needs to be granted to the shareholders and creditors in respect of Banco Popular Español S.A.

— order the defendant and the parties intervening in full or partial support of the defendant to pay the costs.

Pleas in law and main arguments

The pleas in law and main arguments are those relied on in Case T-302/20, *Del Valle Ruiz and Others* v *Single Resolution Board*.

Action brought on 20 May 2020 — Molina Fernández v SRB

(Case T-304/20)

(2020/C 247/43)

Language of the case: Spanish

Parties

Applicant: Laura Molina Fernández (Madrid, Spain) (represented by: S. Rodríguez Bajón and A. Gómez-Acebo Dennes, lawyers)

Defendant: Single Resolution Board

Form of order sought

The applicant claims that the Court should annul the contested decision.

Pleas in law and main arguments

This action is brought against Decision SRB/EES/2020/52 of the Single Resolution Board of 17 March 2020 determining whether compensation needs to be granted to the shareholders and creditors in respect of which the resolution actions concerning Banco Popular Español S.A. have been effected.

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

1. In the first place, the applicant submits that the Valuation 3 Report was not drawn up by a genuinely independent expert, as required by Article 20(16) to (18) of Regulation (EU) No 806/2014 of the European Parliament and of the Council of 15 July 2014 establishing uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Resolution Fund and amending Regulation (EU) No 1093/2010 (OJ 2014 L 225, p. 1).

2. In the second place, the applicant submits that the Valuation 3 Report is unlawful because the method of analysis used by Deloitte is incorrect, which led Deloitte to reach equally incorrect conclusions with seriously prejudicial effects on the applicant, who has unduly and unfairly been deprived of the compensation to which she is entitled.

3. In the third place, the basis of the Valuation 3 Report on Banco Popular's financial situation when it was put into resolution is incorrect.

Action brought on 26 May 2020 — Telefónica Germany v EUIPO — Google (LOOP)

(Case T-305/20)

(2020/C 247/44)

Language in which the application was lodged: German

Parties

Applicant: Telefónica Germany GmbH & Co. OHG (Munich, Germany) (represented by A. Fottner and M. Müller, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceeding before the Board of Appeal: Google LLC (Mountain View, California, United States)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Applicant

Trade mark at issue: EU work mark LOOP — EU trade mark No 5 842 166

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 24 March 2020 in Case R 281/2019-4

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— pay the costs arising from the court proceedings and the proceedings before the Board of Appeal of the defendant and of the other parties before the Board of Appeal, should such other parties join the litigation.

Pleas in law

— Infringement of Article 59(1)(a) in conjunction with Article 7(1)(c) of Regulation) 2017/1001 of the European Parliament and of the Council;

— Infringement of Article 59(1)(a) in conjunction with Article 7(1)(b) of Regulation) 2017/1001 of the European Parliament and of the Council;

— Infringement of Article 94(1) of Regulation (EU) 2017/1001 1001 of the European Parliament and of the Council and Article 41(2)(a) and (c) of the Charter of Fundamental Rights of the European Union.

Action brought on 19 May 2020 — Hijos de Moisés Rodríguez González v EUIPO — Ireland and Ornua (La Irlandesa 1943)

(Case T-306/20)

(2020/C 247/45)

Language in which the application was lodged: Spanish

Parties

Applicant: Hijos de Moisés Rodríguez González, SA (Las Palmas de Gran Canaria, Spain) (represented by: J. García Domínguez, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other parties to the proceedings before the Board of Appeal: Ireland and Ornua Co-operative Ltd (Dublin, Ireland)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Applicant before the General Court

Trade mark at issue: Figurative mark La Irlandesa 1943 — European Union trade mark No 12 043 436

Procedure before EUIPO: Cancellation proceedings

Contested decision: Decision of the Grand Board of Appeal of EUIPO of 2 March 2020 in Case R 1499/2016-G

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— order EUIPO to pay the costs, including those of the other parties to the proceedings, if appropriate.

Pleas in law

Infringement of Article 59(1)(a), in conjunction with Article 7(1)(g) and Article 59(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 26 May 2020 — Calatrava Real State 2015 v SRB

(Case T-307/20)

(2020/C 247/46)

Language of the case: Spanish

Parties

Applicant: Calatrava Real State 2015, SL (Madrid, Spain) (represented by: P. Rubio Escobar, R. Ruíz de la Torre Esporrín and B. Fernández García, lawyers)

Defendant: Single Resolution Board

Form of order sought

The applicant claims that the Court should:

— annul Decision SRB/EES/2020/52 of the Single Resolution Board of 17 March 2020 determining whether compensation needs to be granted to the shareholders and creditors in respect of Banco Popular Español S.A.

— order the defendant and the parties intervening in full or partial support of the defendant to pay the costs.

Pleas in law and main arguments

The pleas in law and main arguments are those relied on in Cases T-302/20, *Del Valle Ruiz and Others* v *Single Resolution Board*, and T-303/20, *Arias Mosquera and Others* v *Single Resolution Board*.

Action brought on 27 May 2020 — EVH v Commission

(Case T-312/20)

(2020/C 247/47)

Language of the case: German

Parties

Applicant: EVH GmbH (Halle [Saale], Germany) (represented by: I. Zenke and T. Heymann, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul the defendant's decision of 26 February 2019 declaring the merger of 'RWE/E.ON Assets' to be compatible with the internal market (Case M.8871) (OJ 2020 C 111, S. 1);

— order the defendant to pay the costs of the proceedings.

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 approval decision is formally flawed

   — The merger approved by the contested decision (M.8871) was erroneously separated from the overall merger of RWE AG (RWE) and E.ON SE (E.ON). The overall operation covers, in addition to the acquisition of E.ON-production assets by RWE (Case M.8871), the acquisition of a 16,67 % share of E.ON by RWE and the transfer of the RWE subsidiary (76,8 % share held by RWE) innogy SE to E.ON (Case M.8870);

   — The applicant's participation rights were adversely affected, since, although the defendant acknowledged the extensive indications of obstacles to competition as a result of the merger made to it in the proceedings, it however both failed to take into account the content of those indications and to satisfactorily assess them in the proceedings and in the decision;

   — The defendant gave insufficient and late reasons for the decision.

2. Second plea in law, alleging that the defendant insufficiently assessed the facts and should have undertaken a Phase II-procedure in the context of an appropriate assessment.

   — The analysis of RWE's increasing market power was carried out only on the basis of electricity volume and capacity, without the necessary own in-depth examination of additional indicators such as the elimination of its direct competitor E.ON, the Residual Supply Index (RSI), which expresses the indispensability of a supplier to meet demand, or the degree of market concentration

   — By disregarding the long-term investment cycles of the energy sector, the defendant adopted a too short-term view of the historical and also the prognostic period for assessing the effects of the merger;

   — The market power was erroneously assessed because the extensive integration of RWE and E.ON in the energy market was not taken into account and instead capacities from the reverse carve-out in Case M.8870 were netted;

— In general, the examination is erroneously limited to the present and ignored the effects for the coming years (e.g. through the increasing generation of green electricity and the phasing-out of coal), so that the defendant is unable to recognise whether there is a threat of lasting damage to competition.

3. Third plea in law, alleging that the defendant made a manifest error of assessment of the merger as being compatible with competition, partly as a result of its inadequate investigation

— The defendant incorrectly failed to assess the fact that E.ON is permanently eliminated as a competitor of RWE;

— The defendant failed to recognise that the division of the value added stages of the energy sector between E.ON and RWE, which was agreed in connection with the overall merger, constituted a restriction of competition and was not compatible with Article 101 TFEU;

— The defendant incorrectly classifies the increase in RWE's market power in the initial sales market as unobjectionable;

— Finally, the decision erroneously fails to take account of the anticompetitive effects resulting from the elimination of E.ON as a competitor in the generation and wholesale trading of electricity from renewable energy sources and the provision of system services such as balancing energy.

Action brought on 27 May 2020 — Stadtwerke Leipzig v Commission

(Case T-313/20)

(2020/C 247/48)

Language of the case: German

Parties

Applicant: Stadtwerke Leipzig GmbH (Leipzig, Germany) (represented by: I. Zenke and T. Heymann, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul the defendant's decision of 26 February 2019 declaring the merger 'RWE/E.ON Assets' compatible with the common market (Case M.8871) (OJ 2020 C 111, p. 1);

— order the defendant to pay the costs.

Pleas in law and main arguments

The action is based on three pleas in law, which are essentially identical or similar to those put forward in Case T-312/20, *EVH* v *Commission*.

Action brought on 27 May 2020 — GWS Stadtwerke Hameln v Commission

(Case T-314/20)

(2020/C 247/49)

Language of the case: German

Parties

Applicant: GWS Stadtwerke Hameln GmbH (Hameln, Germany) (represented by: I. Zenke and T. Heymann, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul the decision of the defendant of 26 February 2019 declaring the merger 'RWE/E.ON Assets' compatible with the common market (Case M.8871) (OJ 2020 C 111, p. 1);

— order the defendant to pay the costs.

Pleas in law and main arguments

The action is based on three pleas in law which are essentially identical or similar to those put forward in Case T-312/20, *EVH* v *Commission*.

Action brought on 27 May 2020 — TEAG v Commission

(Case T-315/20)

(2020/C 247/50)

Language of the case: German

Parties

Applicant: TEAG Thüringer Energie AG (Erfurt, Germany) (represented by: I. Zenke and T. Heymann, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul the defendant's decision of 26 February 2019 declaring the merger 'RWE/E.ON Assets' compatible with the internal market, Case M.8871 (OJ 2020 C 111, p. 1);

— order the defendant to pay the costs.

Pleas in law and main arguments

The action is based on three pleas in law which are essentially identical or similar to those put forward in Case T-312/20, *EVH* v *Commission*.

Action brought on 27 May 2020 — Naturstrom v Commission

(Case T-316/20)

(2020/C 247/51)

Language of the case: German

Parties

Applicant: Naturstrom AG (Düsseldorf, Germany) (represented by: I. Zenke and T. Heymann, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul the defendant's decision of 26 February 2019 declaring the merger 'RWE/E.ON Assets' compatible with the common market (Case M.8871) (OJ 2020 C 111, p. 1);

— order the defendant to pay the costs.

Pleas in law and main arguments

The action is based on three pleas in law, which are essentially identical or similar to those put forward in Case T-312/20, *EVH* v *Commission*.

Action brought on 27 May 2020 — Mainova v Commission

(Case T-320/20)

(2020/C 247/52)

Language of the case: German

Parties

Applicant: Mainova AG (Frankfurt am Main, Germany) (represented by: C. Schalast, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul the defendant's decision of 26 February 2019 (Case M.8871);

— join the proceedings within the meaning of Article 68(5) of the Rules of Procedure of the Court with actions concerning the same order M.8871, which, because of the substantive connections, are cumulative and form a single decision terminating the proceedings;

— order the defendant to pay the costs.

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 a breach of essential procedural requirements

   The first plea alleges that the defendant infringed essential procedural requirements in the contested decision. These included all procedural rules which had to be observed when the legal act in question was concluded. In particular, the defendant infringed general principles of Union law by frustrating the applicant's participation rights. In particular, the defendant infringed the applicant's right to legal protection and unlawfully denied it any access to the procedural documents.

2. Second plea in law, alleging an infringement of the provisions of Council Regulation (EC) No 139/2004 ([1])

   The second plea alleges that, by artificially separating the proposed concentration, the defendant infringed the Treaties of the European Union and the provisions of the Merger Regulation. In particular, it disregarded procedural rules relating to mergers and thereby failed to take account, or did not take account correctly, of circumstances relevant to the decision. These included in particular the failure to take into account the legal, economic and factual link between the entire merger project, the incorrect classification of the transaction as an asset swap, the failure to take into account the competitive effects of the consideration of RWE AG's 16,67 % share in E.ON SE and the incorrect assessment of the competitive effects of the transaction;

In particular, the defendant failed to properly define the market. In addition, the defendant had based its assessment of the effects of the transaction on an incorrect scope of assessment and had incorrectly assessed RWE's incentives created by the transaction to deliberately withhold generation capacities. In this respect, the defendant came to the incorrect conclusion that the merger could be examined separately and that it had no adverse effects on Community-wide competition.

(1) Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (OJ 2004 L 24, p. 1).

Action brought on 27 May 2020 — enercity v Commission

(Case T-321/20)

(2020/C 247/53)

Language of the case: German

Parties

Applicant: enercity AG (Hannover, Germany) (represented by: C. Schalast, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul the defendant's decision of 26 February 2019 (Case M.8871);

— join the proceedings within the meaning of Article 68(5) of the Rules of Procedure of the Court with actions concerning the same order M.8871, which, because of the substantive link, are cumulative and form a single decision terminating the proceedings;

— order the defendant to pay the costs of the proceedings.

Pleas in law and main arguments

The action is based on two pleas in law which are essentially identical or similar to those put forward in Case T-320/20, *Mainova* v *Commission*.

Action brought on 27 May 2020 — Stadtwerke Frankfurt am Main v Commission

(Case T-322/20)

(2020/C 247/54)

Language of the case: German

Parties

Applicant: Stadtwerke Frankfurt am Main Holding GmbH (Frankfurt am Main, Germany) (represented by: C. Schalast, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul the defendant's decision of 26 February 2019 (Case M.8871);

— join the proceedings within the meaning of Article 68(5) of the Rules of Procedure of the Court with actions concerning the same order M.8871, which, because of the substantive link, are cumulative and form a single decision terminating the proceedings;

— order the defendant to pay the costs of the proceedings.

Pleas in law and main arguments

The action is based on two pleas in law which are essentially identical or similar to those put forward in Case T-320/20, *Mainova* v *Commission*.

Action brought on 26 May 2020 — Yongkang Kugooo Technology v EUIPO — Ford Motor Company (kugoo)

(Case T-324/20)

(2020/C 247/55)

Language of the case: English

Parties

Applicant: Yongkang Kugooo Technology Co. Ltd (Yongkang, China) (represented by: P. Pérot, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Ford Motor Company (Dearborn, Michigan, United States)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Applicant before the General Court

Trade mark at issue: Application for European Union figurative mark kugoo — Application for registration No 17 007 741

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 24 March 2020 in Case R 65/2019-4

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— reject the opposition of the other party to the proceedings before the Board of Appeal and grant the application for registration of the European Union figurative mark kugoo No 17 007 741;

— order the other party to the proceedings before the Board of Appeal to pay the costs, together with taxes and all the costs incurred by the applicant before the EUIPO and the General Court.

Plea in law

— Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 27 May 2020 — Bibita Group v EUIPO — Benkomers (Beverage bottles)

(Case T-326/20)

(2020/C 247/56)

Language of the case: English

Parties

Applicant: Bibita Group (Tirana, Albania) (represented by: C. Seyfert, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Benkomers OOD (Sofia, Bulgaria)

Details of the proceedings before EUIPO

Proprietor of the design at issue: Other party to the proceedings before the Board of Appeal

Design at issue: Community design No 3 797 091-0001 (Beverage bottles)

Contested decision: Decision of the Third Board of Appeal of EUIPO of 27 April 2020 in Case R 1070/2018-3

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— declare the contested Community design registered under No 3 797 091-0001 invalid, on all the grounds set out in the present application;

— order the defendant and the proprietor to pay the procedural costs relating to the proceedings before the Third Board of Appeal, pursuant to Article 190 of the Rules of Procedure of the General Court;

— order EUIPO and the potential other party to the present proceedings to pay the entirety of the costs of the proceedings.

Plea in law

— Infringement of Article 25(1)(d) in conjunction with Article 6 of Council Regulation (EC) No 6/2002.

Action brought on 29 May 2020 — 4B Company v EUIPO — Deenz (Pendants (jewellery))

(Case T-329/20)

(2020/C 247/57)

Language in which the application was lodged: Italian

Parties

Applicant: 4B Company Srl (Montegiorgio, Italy) (represented by: G. Brogi, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Deenz Holding Ltd (Dubai, United Arab Emirates)

Details of the proceedings before EUIPO

Proprietor of the design at issue: Other party to the proceedings before the Board of Appeal

Design at issue: Community design No 2 100-0001

Contested decision: Decision of the Third Board of Appeal of EUIPO of 19 March 2020 in Case R 2449/2018-3

Form of order sought

The applicant claims that the Court should:

— annul the contested decision in so far as it annulled the decision of the Cancellation Division, granted the application to maintain Community design No 21 00-0001 in amended form and allowed the design in amended form to be included on the register and published in the Community Designs Bulletin, and, as a result, confirm the decision of the Cancellation Division of 15 October 2018 in Case ICD 10 654;

— order EUIPO to pay the costs.

Plea in law

— Infringement and misinterpretation of Article 25(6) of Council Regulation (EC) No 6/2002.

Action brought on 29 May 2020 — Laboratorios Ern v EUIPO — Le-Vel Brands (Le-Vel)

(Case T-331/20)

(2020/C 247/58)

Language of the case: English

Parties

Applicant: Laboratorios Ern, SA (Barcelona, Spain) (represented by: S. Correa Rodríguez, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Le-Vel Brands LLC (Frisco, Texas, United States)

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 word mark Le-Vel — Application for registration No 15 229 974

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 20 March 2020 in Case R 2113/2019-4

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— reject the European Union trade mark application 'Le-vel', No 15 229 974, for all goods and services in class 3 and 35;

— order EUIPO and the intervener (in case Le-Vel Brands, LLC. decides to intervene in the present proceedings) to pay the costs.

Plea in law

— Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 29 May 2020 — KH v EEAS

(Case T-334/20)

(2020/C 247/59)

Language of the case: French

Parties

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

Defendant: European External Action Service

Form of order sought

The applicant claims that the Court should:

— annul the decision of 24 July 2019 to reassign the applicant to headquarters, by considering the applicant to be on mission from 1 September to 31 December 2019 only;

— annul the decision of 29 July 2019 to reject the request for assistance registered under reference [confidential] which was submitted on 29 March 2019 by the applicant on account of harassment on the part of the applicant's Head of Delegation [confidential]; ([1])

— annul the 2019 staff report (for the period 2018) dated 3 October 2019 which concluded that the applicant had underperformed;

— annul the decision of 4 November 2019 not to automatically advance the applicant to the next step on account of the applicant's unsatisfactory staff report;

— order the defendant to pay the costs.

Pleas in law and main arguments

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

1. Against the reassignment decision, the applicant relies on three pleas in law:

   — First plea in law, alleging infringement of the duties to have regard for the welfare of officials and of sound administration;

   — Second plea in law, alleging ineffectiveness of the right to be heard;

   — Third plea in law, alleging error of law in the reasoning of the memo of 2 April 2019.

2. Against the decision to reject the applicant's request for assistance, the applicant relies on five pleas in law:

   — First plea in law, alleging infringement of the duty to provide assistance;

   — Second plea in law, alleging infringement of Article 12a of the of the Staff Regulations of Officials of the European Union ('the Staff Regulations');

   — Third plea in law, alleging misinterpretation of Article 12a of the Staff Regulations and error of law;

   — Fourth plea in law, alleging infringement of the right to be effectively heard;

   — Fifth plea in law, alleging manifest error of assessment of the evidence submitted for assessment.

3. Against the staff report, the applicant relies on four pleas in law:

— First plea in law, alleging contradictions in EEAS's position;

— Second plea in law, alleging infringement of the duties of impartiality and neutrality;

— Third plea in law, alleging infringement of the duties to provide assistance, to have regard for the welfare of officials and of sound administration;

— Fourth plea in law, alleging a failure to state reasons and infringement of the rights of the defence.

(1) Confidential information omitted.

Action brought on 28 May 2020 — Czech Republic v Commission

(Case T-335/20)

(2020/C 247/60)

Language of the case: Czech

Parties

Applicant: Czech Republic (represented by: M. Smolek, J. Pavliš, O. Serdula and J. Vláčil, Agents)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— Annul Article 1 of Commission Implementing Decision (EU) CCI 2014CZ06RDNP 001 of 30 March 2020, which suspends interim payments linked to the Rural Development Programme of the Czech Republic for the period 2014-2020 and related to the expenditure incurred in the periods between 16 October 2018 and 31 December 2018 (notified under number C (2020) 1857 final);

— order the European Commission to pay the costs of the proceedings.

Pleas in law and main arguments

In support of the action, the applicant relies on a single plea in law, alleging infringement of Article 41(1) of Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy. (1) The applicant alleges that the Commission incorrectly takes the view that the subsidy to which the suspended payment relates was provided in breach of national legislation. However, there could not have been any infringement of the national legislation concerned since that legislation does not apply to the type of subsidies which the suspended payment concerns.

(1) OJ 2013 L 347, p. 549.

Action brought on 3 June 2020 — Galván Fernández-Guillén v SRB

(Case T-340/20)

(2020/C 247/61)

Language of the case: Spanish

Parties

Applicant: José María Galván Fernández-Guillén (Madrid, Spain) (represented by: M. Romero Rey and I. Salama Salama, lawyers)

Defendant: Single Resolution Board (SRB)

Form of order sought

The applicant claims that the General Court should:

— annul Decision SRB/EES/2020/52 of 17 March 2020 determining whether compensation needs to be granted to the shareholders and creditors in respect of which the resolution actions concerning Banco Popular Español SA have been effected;

— order the SRB to pay the costs of the proceedings.

Pleas in law and main arguments

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

1. First plea, alleging infringement of the fundamental right to private property, in that Banco Popular had, at the time of the resolution, a positive net worth, which did not justify the applicant being deprived of his shares without compensation.

2. Second plea, alleging infringement of the right to property, in that no clear valuation criteria were applied in granting the resolution of Banco Popular, since the new criteria approved by Commission Delegated Regulation (EU) 2018/344 ([1]) which only came into force on 29 March 2018 — that is, eight months after the resolution of Banco Popular — were applied retroactively.

3. Third plea, alleging a lack of impartiality on the part of Deloitte in carrying out Valuation 3, on which Decision SRB/EES/2020/52 relied exclusively, given that the same auditing company carried out Provisional Valuation 2.

4. Fourth plea, alleging infringement of the rights of the defence, in that the SRB continues to keep certain information confidential and hidden from the shareholders and creditors of Banco Popular, on the pretext that 'the disclosure thereof may infringe the Board's rights of defence in the ongoing litigation'.

([1]) Commission Delegated Regulation (EU) 2018/344 of 14 November 2017 supplementing Directive 2014/59/EU of the European Parliament and of the Council with regard to regulatory technical standards specifying the criteria relating to the methodologies for valuation of difference in treatment in resolution (OJ 2018 L 67, p. 3).

Action brought on 3 June 2020 — El Corte Inglés v EUIPO — Unión Detallistas Españoles (unit)

(Case T-344/20)

(2020/C 247/62)

Language in which the application was lodged: Spanish

Parties

Applicant: El Corte Inglés, SA (Madrid, Spain) (represented by: J.L. Rivas Zurdo, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Unión Detallistas Españoles S. Coop. Unide (Madrid, Spain)

Details of the procedure before EUIPO

Applicant for the trade mark at issue: Applicant before the General Court

Trade mark at issue: Application for the EU figurative mark 'unit' — Application for registration No 16 542 078

Proceedings before EUIPO: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 9 March 2020 in Case R 2005/2019-5

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— order EUIPO to pay the costs.

Pleas in law

— The Board of Appeal erred in law by failing to consider that the proof of use regarding sales, during the relevant period, in respect of the Spanish trade marks No 1795078 and No 2289074 — which required proof of use — is insufficient due to the lack or shortage of such proof and, consequently, by stating that there is a likelihood of confusion between the marks on the part of consumers.

— Infringement of Article 8(1)(b) Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 4 June 2020 — Robert Klingel v EUIPO (MEN+)

(Case T-345/20)

(2020/C 247/63)

Language of the case: German

Parties

Applicant: Robert Klingel OHG (Pforzheim, Germany) (represented by M. Zick, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: Application for European Union trade mark 'MEN+' — Application No 17 985 949

Contested decision: Decision of the First Board of Appeal of EUIPO of 27 March 2020 in Case R 1906/2019-1

Form of order sought

The applicant claims that the Court should:

— annul the contested decision, in so far as the applicant is adversely affected;

— order EUIPO to pay the costs.

Plea in law

— Infringement of Art. 7(1)(b), in particular read in conjunction with Art. 95 of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 5 June 2020 — Freistaat Bayern v EUIPO (GEWÜRZSOMMELIER)

(Case T-348/20)

(2020/C 247/64)

Language of the case: German

Parties

Applicant: Freistaat Bayern (Germany) (represented by: J. Altmann, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: European Union word mark GEWÜRZSOMMELIER — Application for registration No 18 020 504

Contested decision: Decision of the Second Board of Appeal of EUIPO of 26 March 2020 in Case R 2430/2019-2

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— order EUIPO to pay the costs.

Pleas in law

— Infringement of Article 7(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;

— Infringement of Article 7(1)(c) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;

— Infringement of Article 7(2) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 5 June 2020 — St. Hippolyt v EUIPO — Raisioaqua (Vital like nature)
(Case T-351/20)

(2020/C 247/65)

Language in which the application was lodged: German

Parties

Applicant: St. Hippolyt Holding GmbH (Dielheim, Deutschland) (represented by M. Gail, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Raisioaqua Oy (Raisio, Finland)

Details of the proceedings before EUIPO

Applicant for the trade mark at issue: Applicant

Trade mark at issue: Application for European Union trade mark 'Vital like nature' — Application No 17 165 002

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 9 March 2020 in Case R 1279/2020-2

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 Art. 60(1)(a) read in conjunction with Art. 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 5 June 2020 — St. Hippolyt v EUIPO — Elephant (Strong like nature)

(Case T-352/20)

(2020/C 247/66)

Language in which the application was lodged: German

Parties

Applicant: St. Hippolyt Holding GmbH (Dielheim, Germany) (represented by M. Gail, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Elephant Co. Preduzeće za proizvodnju, unutrašnju i spoljnu trgovinu d.o.o. (Belgrade, Serbia)

Details of the proceedings before EUIPO

Applicant for the trade mark at issue: Applicant

Trade mark at issue: Application for European Union trade mark 'Strong like nature' — Application No 17 494 071

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the First Board of Appeal of EUIPO of 27 March 2020 in Case R 1909/2019-1

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 Art. 60(1)(a) read in conjunction with Art. 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

CORRIGENDA

Corrigendum to notice in the Official Journal in Case T-220/20

(Official Journal of the European Union C 201 of 15 June 2020)

(2020/C 247/67)

The notice in the OJ in Case T-220/20, *JL v Commission* should read:

'Action brought on 16 April 2020 — Kerstens v Commission

(Case T-220/20)

(2020/C 201/57)

Language of the case: French

Parties

Applicant: Petrus Kerstens (La Forclaz, Switzerland) (represented by: C. Mourato, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the General Court should:

— annul the decision of 11 July 2019 of the European Commission (appointing authority) issuing a warning to the applicant;

— annul the decision of 27 March 2017 of the European Commission (appointing authority) to resume the case [*confidential*]; ([1])

— award the applicant compensation amounting to EUR 30 000, by way of special non-material damages, to be paid by the European Commission;

— order the defendant to pay the costs of the proceedings, in accordance with Article 134 of the Rules of Procedure of the General Court.

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 infringement of Article 266 TFEU, that is to say, inappropriate measures for enforcement of the annulment judgment of the General Court, and infringement of the principle of *ne bis in idem*.

2. Second plea in law alleging infringement of Article 266 TFEU, infringement of the principle of sound administration including the obligation to treat cases fairly and impartially, infringement of the principle of presumption of innocence, and a breach of the rights of the defence.

3. Third plea in law, alleging infringement of Article 266 TFEU, infringement of the procedural rules applicable to administrative inquiries and disciplinary proceedings and infringement of the obligation to state reasons.

4. Fourth plea in law, a request for special compensation on account of the abovementioned irregularities.'

([1]) Confidential data removed.

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