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Information and Notices

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(2022/C 284/01)

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These texts are available on:

EUR-Lex: http://eur-lex.europa.eu

GENERAL COURT

Formation of Chambers and assignment of Judges to Chambers

(2022/C 284/02)

On 6 July 2022, the General Court decided, following the entry into office of Mr Tóth and Ms Ricziová as Judges of the General Court, to amend the decision on the formation of the Chambers of 30 September 2019, ([1]) as amended, ([2]) and the decision on the assignment of Judges to Chambers of 4 October 2019, ([3]) as amended, ([4]) for the period from 6 July 2022 to 31 August 2022 and to assign the Judges to Chambers as follows:

First Chamber (Extended Composition), sitting with five Judges:

Mr Kanninen, President of the Chamber, Mr Jaeger, Ms Półtorak, Ms Porchia and Ms Stancu, Judges.

First Chamber, sitting with three Judges:

Mr Kanninen, President of the Chamber;

Formation A: Mr Jaeger and Ms Półtorak, Judges;

Formation B: Mr Jaeger and Ms Porchia, Judges;

Formation C: Mr Jaeger and Ms Stancu, Judges;

Formation D: Ms Półtorak and Ms Porchia, Judges;

Formation E: Ms Półtorak and Ms Stancu, Judges;

Formation F: Ms Porchia and Ms Stancu, Judges.

Second Chamber (Extended Composition), sitting with five Judges:

Ms Tomljenović, President of the Chamber, Mr Schalin, Ms Škvařilová-Pelzl, Mr Nõmm and Mr Kukovec, Judges.

Second Chamber, sitting with three Judges:

Ms Tomljenović, President of the Chamber;

Formation A: Mr Schalin and Ms Škvařilová-Pelzl, Judges;

Formation B: Mr Schalin and Mr Nõmm, Judges;

Formation C: Mr Schalin and Mr Kukovec, Judges;

Formation D: Ms Škvařilová-Pelzl and Mr Nõmm, Judges;

Formation E: Ms Škvařilová-Pelzl and Mr Kukovec, Judges;

Formation F: Mr Nõmm and Mr Kukovec, Judges.

Third Chamber (Extended Composition), sitting with five Judges:

Mr De Baere, President of the Chamber, Mr Kreuschitz, Ms Steinfatt, Mr Kecsmár and Ms Kingston, Judges.

([1]) OJ 2019 C 372, p. 3.
([2]) OJ 2020 C 68, p. 2, OJ 2020 C 114, p. 2, OJ 2020 C 371, p. 2, OJ 2021 C 110, p. 2, OJ 2021 C 297, p. 2, OJ 2021 C 368, p. 2, OJ 2021 C 412, p. 2, OJ 2021 C 431, p. 2, OJ 2021 C 462, p. 2, and OJ 2022 C 52, p. 1.
([3]) OJ 2019 C 372, p. 3.
([4]) OJ 2020 C 68, p. 2, OJ 2020 C 114, p. 2, OJ 2020 C 371, p. 2, OJ 2021 C 110, p. 2, OJ 2021 C 297, p. 2, OJ 2021 C 368, p. 2, OJ 2021 C 412, p. 2, OJ 2021 C 431, p. 2, OJ 2021 C 462, p. 2, and OJ 2022 C 52, p. 1.

Third Chamber, sitting with three Judges:

Mr De Baere, President of the Chamber;

Formation A: Mr Kreuschitz and Ms Steinfatt, Judges;

Formation B: Mr Kreuschitz and Mr Kecsmár, Judges;

Formation C: Mr Kreuschitz and Ms Kingston, Judges;

Formation D: Ms Steinfatt and Mr Kecsmár, Judges;

Formation E: Ms Steinfatt and Ms Kingston, Judges;

Formation F: Mr Kecsmár and Ms Kingston, Judges.

Fourth Chamber (Extended Composition), sitting with five Judges:

Mr Gervasoni, President of the Chamber, Mr Madise, Mr Nihoul, Ms Frendo and Mr Martín y Pérez de Nanclares, Judges.

Fourth Chamber, sitting with three Judges:

Mr Gervasoni, President of the Chamber;

Formation A: Mr Madise and Mr Nihoul, Judges;

Formation B: Mr Madise and Ms Frendo, Judges;

Formation C: Mr Madise and Mr Martín y Pérez de Nanclares, Judges;

Formation D: Mr Nihoul and Ms Frendo, Judges;

Formation E: Mr Nihoul and Mr Martín y Pérez de Nanclares, Judges;

Formation F: Ms Frendo and Mr Martín y Pérez de Nanclares, Judges.

Fifth Chamber (Extended Composition), sitting with five Judges:

The extended formation of the Chamber, sitting with five Judges, is composed of the three Judges of the formation initially seised and two Judges designated from among the three other Judges of the Fifth Chamber according to a rota.

Fifth Chamber, sitting with three Judges:

Mr Spielmann, President of the Chamber;

Formation A: Mr Öberg and Mr Mastroianni, Judges;

Formation B: Mr Öberg and Ms Brkan, Judges;

Formation C: Mr Öberg and Mr Gâlea, Judges;

Formation D: Mr Öberg and Mr Tóth, Judges;

Formation E: Mr Mastroianni and Ms Brkan, Judges;

Formation F: Mr Mastroianni and Mr Gâlea, Judges;

Formation G: Mr Mastroianni and Mr Tóth, Judges;

Formation H: Ms Brkan and Mr Gâlea, Judges;

Formation I: Ms Brkan and Mr Tóth, Judges;

Formation J: Mr Gâlea and Mr Tóth, Judges.

Sixth Chamber (Extended Composition), sitting with five Judges:

Ms Marcoulli, President of the Chamber, Mr Frimodt Nielsen, Mr Schwarcz, Mr Iliopoulos and Mr Norkus, Judges.

Sixth Chamber, sitting with three Judges:

Ms Marcoulli, President of the Chamber;

Formation A: Mr Frimodt Nielsen and Mr Schwarcz, Judges;

Formation B: Mr Frimodt Nielsen and Mr Iliopoulos, Judges;

Formation C: Mr Frimodt Nielsen and Mr Norkus, Judges;

Formation D: Mr Schwarcz and Mr Iliopoulos, Judges;

Formation E: Mr Schwarcz and Mr Norkus, Judges;

Formation F: Mr Iliopoulos and Mr Norkus, Judges.

Seventh Chamber (Extended Composition), sitting with five Judges:

Mr da Silva Passos, President of the Chamber, Mr Valančius, Ms Reine, Mr Truchot and Mr Sampol Pucurull, Judges.

Seventh Chamber, sitting with three Judges:

Mr da Silva Passos, President of the Chamber;

Formation A: Mr Valančius and Ms Reine, Judges;

Formation B: Mr Valančius and Mr Truchot, Judges;

Formation C: Mr Valančius and Mr Sampol Pucurull, Judges;

Formation D: Ms Reine and Mr Truchot, Judges;

Formation E: Ms Reine and Mr Sampol Pucurull, Judges;

Formation F: Mr Truchot and Mr Sampol Pucurull, Judges.

Eighth Chamber (Extended Composition), sitting with five Judges:

Mr Svenningsen, President of the Chamber, Mr Barents, Mr Mac Eochaidh, Ms Pynnä and Mr Laitenberger, Judges.

Eighth Chamber, sitting with three Judges:

Mr Svenningsen, President of the Chamber;

Formation A: Mr Barents and Mr Mac Eochaidh, Judges;

Formation B: Mr Barents and Ms Pynnä, Judges;

Formation C: Mr Barents and Mr Laitenberger, Judges;

Formation D: Mr Mac Eochaidh and Ms Pynnä, Judges;

Formation E: Mr Mac Eochaidh and Mr Laitenberger, Judges;

Formation F: Ms Pynnä and Mr Laitenberger, Judges.

Ninth Chamber (Extended Composition), sitting with five Judges:

Ms Costeira, President of the Chamber, Ms Kancheva, Ms Perišin, Mr Zilgalvis and Mr Dimitrakopoulos, Judges.

Ninth Chamber, sitting with three Judges:

Ms Costeira, President of the Chamber;

Formation A: Ms Kancheva and Ms Perišin, Judges;

Formation B: Ms Kancheva and Mr Zilgalvis, Judges;

Formation C: Ms Kancheva and Mr Dimitrakopoulos, Judges;

Formation D: Ms Perišin and Mr Zilgalvis, Judges;

Formation E: Ms Perišin and Mr Dimitrakopoulos, Judges;

Formation F: Mr Zilgalvis and Mr Dimitrakopoulos, Judges.

Tenth Chamber (Extended Composition), sitting with five Judges:

The extended formation of the Chamber, sitting with five Judges, is composed of the three Judges of the formation initially seised and two Judges designated from among the three other Judges of the Tenth Chamber according to a rota.

Tenth Chamber, sitting with three Judges:

Mr Kornezov, President of the Chamber;

Formation A: Mr Buttigieg and Ms Kowalik-Bańczyk, Judges;

Formation B: Mr Buttigieg and Mr Hesse, Judges;

Formation C: Mr Buttigieg and Mr Petrlík, Judges;

Formation D: Mr Buttigieg and Ms Ricziová, Judges;

Formation E: Ms Kowalik-Bańczyk and Mr Hesse, Judges;

Formation F: Ms Kowalik-Bańczyk and Mr Petrlík, Judges;

Formation G: Ms Kowalik-Bańczyk and Ms Ricziová, Judges;

Formation H: Mr Hesse and Mr Petrlík, Judges;

Formation I: Mr Hesse and Ms Ricziová, Judges;

Formation J: Mr Petrlík and Ms Ricziová, Judges.

The General Court confirms its decision of 4 October 2019 that the First, Fourth, Seventh and Eighth Chambers shall hear cases brought under Article 270 TFEU and, where appropriate, Article 50a of the Protocol on the Statute of the Court of Justice of the European Union, and that the Second, Third, Fifth, Sixth, Ninth and Tenth Chambers shall hear cases relating to intellectual property rights referred to in Title IV of the Rules of Procedure.

It also confirms that:

— the President and the Vice-President shall not be attached permanently to a Chamber;

— in the course of each judicial year, the Vice-President shall sit in each of the Chambers sitting with five Judges, on the basis of one case per Chamber in the following order:

  — the first case referred back, by decision of the General Court, to an extended Chamber sitting with five Judges of the First Chamber, the Second Chamber, the Third Chamber, the Fourth Chamber and the Fifth Chamber;

  — the third case referred back, by decision of the General Court, to an extended Chamber sitting with five Judges of the Sixth Chamber, the Seventh Chamber, the Eighth Chamber, the Ninth Chamber and the Tenth Chamber.

Where the Vice-President sits in a Chamber which is composed of five Judges, the extended Chamber shall be composed of the Vice-President, Judges from the Chamber sitting with three Judges originally seised as well as one of the other Judges of the Chamber in question, determined on the basis of the reverse order to the order laid down in Article 8 of the Rules of Procedure.

V

(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Judgment of the Court (Third Chamber) of 2 June 2022 (request for a preliminary ruling from the Tribunal de l'Entreprise du Hainaut, division de Charleroi — Belgium) — Skeyes v Ryanair DAC

(Case C-353/20) [1]

(Reference for a preliminary ruling — Air transport — Regulation (EC) No 549/2004 — Regulation (EC) No 550/2004 — Air traffic service provider — Decision to close airspace — Exercise of public powers — Airspace user — Airlines — Right to appeal against a decision to close airspace — Article 58 TFEU — Freedom to provide services in the field of transport — Articles 16 and 47 of the Charter of Fundamental Rights of the European Union — Freedom to conduct a business — Right to an effective remedy)

(2022/C 284/03)

Language of the case: French

Referring court

Tribunal de l'Entreprise du Hainaut, division de Charleroi

Parties to the main proceedings

Applicant: Skeyes

Defendant: Ryanair DAC

Operative part of the judgment

1. Article 8 of Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the Single European Sky, as amended by Regulation (EC) No 1070/2009 of the European Parliament and of the Council of 21 October 2009, read in conjunction with Article 2(4) of Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the Single European Sky ('the framework regulation') as amended by Regulation No 1070/2009, and in the light of Article 47 of the Charter of Fundamental Rights of the European Union, must be interpreted as conferring on airspace users, such as airlines, the right to an effective remedy, before the national courts, against air traffic service providers with a view to submitting to judicial review the alleged breaches of the latter's obligation to provide services;

2. Regulation No 550/2004, as amended by Regulation No 1070/2009, read in the light of recital 5 and Article 58(1) TFEU and Article 16 of the Charter of Fundamental Rights, must be interpreted as meaning that it excludes the application of the competition rules laid down in the TFEU to the provision of air navigation services linked to the exercise of public powers, such as those provided for by that regulation, but that it does not exclude the application of the rules laid down in the TFEU and in that Charter relating to the rights and freedoms of airspace users, such as those relating to the freedom to provide transport services and the freedom to conduct a business.

[1] OJ C 339, 12.10.2020.

Judgment of the Court (Second Chamber) of 2 June 2022 (request for a preliminary ruling from the Østre Landsret — Denmark) — Ligebehandlingsnævnet, acting on behalf of A v HK/Danmark, HK/Privat

(Case C-587/20) ([1])

(Reference for a preliminary ruling — Social policy — Equal treatment in employment and occupation — Prohibition of discrimination on grounds of age — Directive 2000/78/EC — Article 3(1)(a) and (d) — Scope — Post of elected sector convenor of an organisation of workers — Statutes of that organisation under which only members under the age of 60 or 61 on the date of the election are eligible to stand as sector convenor)

(2022/C 284/04)

Language of the case: Danish

Referring court

Østre Landsret

Parties to the main proceedings

Applicant: Ligebehandlingsnævnet, acting on behalf of A

Defendants: HK/Danmark, HK/Privat

Intervener: Fagbevægelsens Hovedorganisation

Operative part of the judgment

Article 3(1)(a) and (d) of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation must be interpreted as meaning that an age limit laid down in the statutes of an organisation of workers for eligibility to stand as sector convenor of that organisation falls within the scope of that directive.

([1]) OJ C 44, 8.2.2021.

Judgment of the Court (Third Chamber) of 2 June 2022 (request for a preliminary ruling from the Landesgericht Korneuburg — Austria) — JR v Austrian Airlines AG

(Case C-589/20) ([1])

(Reference for a preliminary ruling — Air transport — Montreal Convention — Article 17(1) — Liability of air carriers for death or injury sustained by passengers — Concept of 'accident' causing death or injury — Bodily injury suffered during disembarkation — Article 20 — Exoneration of air carrier from liability — Concept of 'damage suffered caused or contributed to by the negligence or other wrongful act or omission of that injured passenger' — Fall of passenger not holding on to the handrail of a mobile disembarkation stairway)

(2022/C 284/05)

Language of the case: German

Referring court

Landesgericht Korneuburg

Parties to the main proceedings

Applicant: JR

Defendant: Austrian Airlines AG

Operative part of the judgment

1. Article 17(1) of the Convention for the unification of certain rules for international carriage by air concluded on 28 May 1999 in Montreal, signed on 9 December 1999 by the European Community and approved on its behalf by Council Decision 2001/539/EC of 5 April 2001, must be interpreted as meaning that a situation in which, for no ascertainable reason, a passenger falls on a mobile stairway set up for the disembarkation of passengers of an aircraft and injures himself or herself constitutes an 'accident', within the meaning of that provision, including where the air carrier concerned has not failed to fulfil its diligence and safety obligations in that regard;

2. The first sentence of Article 20 of the Convention for the unification of certain rules for international carriage by air concluded on 28 May 1999 in Montreal must be interpreted as meaning that, where an accident which caused damage to a passenger consists of a fall of that passenger, for no ascertainable reason, on a mobile stairway set up for the disembarkation of the passengers of an aircraft, the air carrier concerned may be exonerated from its liability towards that passenger only to the extent that, taking account of all the circumstances in which that damage occurred, that carrier proves, in accordance with the applicable national rules and subject to the observance of the principles of equivalence and effectiveness, that the damage suffered by that passenger was caused or contributed to by the negligence or other wrongful act or omission of that passenger, within the meaning of that provision.

(1) OJ C 35, 1.2.2021.

Judgment of the Court (Fifth Chamber) of 2 June 2022 (request for a preliminary ruling from the Hanseatisches Oberlandesgericht in Bremen — Germany) — Proceedings brought by T.N., N.N.

(Case C-617/20) (1)

(Reference for a preliminary ruling — Judicial cooperation in civil matters — Measures relating to the law on succession — Regulation (EU) No 650/2012 — Articles 13 and 28 — Validity of the declaration concerning the waiver of succession — Heir resident in a Member State other than that of the court having jurisdiction to rule on the succession — Declaration made before the court of the Member State in which that heir has his or her habitual residence)

(2022/C 284/06)

Language of the case: German

Referring court

Hanseatisches Oberlandesgericht in Bremen

Parties to the main proceedings

Applicants: T.N., N.N.

Other party: E.G.

Operative part of the judgment

Articles 13 and 28 of Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession must be interpreted as meaning that a declaration concerning the waiver of succession made by an heir before a court of the Member State of his or her habitual residence is regarded as valid as to form in the case where the formal requirements applicable before that court have been complied with, without it being necessary, for the purposes of that validity, for that declaration to meet the formal requirements of the law applicable to the succession.

(1) OJ C 53, 15.2.2021.

Judgment of the Court (Fourth Chamber) of 2 June 2022 (request for a preliminary ruling from the Nejvyšší správní soud — Czech Republic) — FCC Česká republika, s.r.o. v Ministerstvo životního prostředí, Městská část Ďáblice, Spolek pro Ďáblice

(Case C-43/21) ([1])

(Reference for a preliminary ruling — Directive 2010/75/EU — Article 3(9) — Integrated pollution prevention and control — Procedure for amending a permit — Participation of the public concerned — Concept of 'substantial change' to the installation — Extension of the duration of operation of a landfill)

(2022/C 284/07)

Language of the case: Czech

Referring court

Nejvyšší správní soud

Parties to the main proceedings

Applicant: FCC Česká republika, s.r.o.

Defendants: Ministerstvo životního prostředí, Městská část Ďáblice, Spolek pro Ďáblice

Operative part of the judgment

Article 3(9) of Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) must be interpreted as meaning that the mere extension of the duration of waste disposal at a landfill, without any change in the maximum approved dimensions of the installation or its total capacity, does not constitute a 'substantial change' within the meaning of that provision.

([1]) OJ C 110, 29.3.2021.

Judgment of the Court (Tenth Chamber) of 2 June 2022 (request for a preliminary ruling from the Hoge Raad der Nederlanden — Netherlands) — X BV v Classic Coach Company vof, Y, Z

(Case C-112/21) ([1])

(Reference for a preliminary ruling — Approximation of laws — Trade marks — Directive 2008/95/EC — Article 5 — Rights conferred by a trade mark — Article 6(2) — Limitation of the effects of the trade mark — Impossibility for the proprietor of a trade mark to prevent a third party from using, in the course of trade, an earlier right applying in a particular locality — Requirements — Concept of 'earlier right' — Trade name — Proprietor of a later trade mark with an even earlier right — Relevance)

(2022/C 284/08)

Language of the case: Dutch

Referring court

Hoge Raad der Nederlanden

Parties to the main proceedings

Applicant: X BV

Defendants: Classic Coach Company vof, Y, Z

Operative part of the judgment

1. Article 6(2) of Directive 2008/95/EC of the European Parliament and of the Council of 22 October 2008 to approximate the laws of the Member States relating to trade marks must be interpreted as meaning that, for the purposes of establishing the existence of an 'earlier right' within the meaning of that provision, there is no requirement that the proprietor of that right must be able to prohibit the use of the later mark by the proprietor of that mark;

2. Article 6(2) of Directive 2008/95 must be interpreted as meaning that an 'earlier right' within the meaning of that provision may be granted to a third party in a situation in which the proprietor of the later trade mark has an even earlier right recognised by the laws of the Member State in question over the sign registered as a trade mark to the extent that, under those laws, the proprietor of the trade mark and of the even earlier right may no longer, on the basis of its even earlier right, prohibit the use by the third party of its more recent right.

(1) OJ C 189, 17.5.2021.

Judgment of the Court (Second Chamber) of 2 June 2022 (request for a preliminary ruling from the Lietuvos vyriausiasis administracinis teismas — Lithuania) — Get Fresh Cosmetics Limited v Valstybinė vartotojų teisių apsaugos tarnyba

(Case C-122/21) (1)

(Reference for a preliminary ruling — Directive 87/357/EEC — Article 1(2) — Scope — Non-food products that may be confused with foodstuffs — Concept — Risk of suffocation, poisoning, or the perforation or obstruction of the digestive tract — No presumption of danger — Proof)

(2022/C 284/09)

Language of the case: Lithuanian

Referring court

Lietuvos vyriausiasis administracinis teismas

Parties to the main proceedings

Applicant: Get Fresh Cosmetics Limited

Defendant: Valstybinė vartotojų teisių apsaugos tarnyba

Intervening party: V.U.

Operative part of the judgment

Article 1(2) of Council Directive 87/357/EEC of 25 June 1987 on the approximation of the laws of the Member States concerning products which, appearing to be other than they are, endanger the health or safety of consumers must be interpreted as meaning that it is not necessary to demonstrate by objective and substantiated data that placing in the mouth, sucking or ingesting products which, although not foodstuffs, possess a form, odour, colour, appearance, packaging, labelling, volume or size, such that it is likely that consumers, especially children, will confuse them with foodstuffs and in consequence place them in their mouths, or suck or ingest them may entail risks such as suffocation, poisoning, or the perforation or obstruction of the digestive tract. Nevertheless, the competent national authorities must assess on a case-by-case basis whether a product meets the conditions listed in that provision and justify their assessment that that is the case.

(1) OJ C 182, 10.5.2021.

Judgment of the Court (Seventh Chamber) of 2 June 2022 (request for a preliminary ruling from the Tribunalul Ilfov — Romania) — SR v EW

(Case C-196/21) ([1])

(Reference for a preliminary ruling — Judicial cooperation in civil matters — Service of judicial and extrajudicial documents — Regulation (EC) No 1393/2007 — Article 5 — Translation of the document — Translation costs borne by the applicant — Concept of 'applicant' — Service, by the court before which proceedings have been brought, of judicial documents on interveners in the proceedings)

(2022/C 284/10)

Language of the case: Romanian

Referring court

Tribunalul Ilfov

Parties to the main proceedings

Applicant: SR

Defendant: EW

Interveners: FB, CX, IK

Operative part of the judgment

Article 5(2) of Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No 1348/2000, must be interpreted as meaning that, where a court orders the transmission of judicial documents to third parties that apply for leave to intervene in the proceedings, that court cannot be regarded as being the 'applicant' within the meaning of that provision.

([1]) OJ C 263, 5.7.2021.

Judgment of the Court (Tenth Chamber) of 2 June 2022 — EM v European Parliament

(Case C-299/21 P) ([1])

(Appeal — Civil service — European Parliament — Member of the temporary staff in the service of a political group — Staff Regulations of Officials of the European Union — Article 7 — Transfer — Article 12 and Article 12a(3) — Concept of 'psychological harassment' — Failure to assign tasks — Conditions of Employment of Other Servants of the European Union — Request for assistance — Loss or harm — Compensation)

(2022/C 284/11)

Language of the case: French

Parties

Appellant: EM (represented by: M. Casado García-Hirschfeld, avocate)

Other party to the proceedings: European Parliament (represented by: D. Boytha, L. Darie and C. González Argüelles, acting as Agents)

Operative part of the judgment

The Court:

1. Sets aside the judgment of the General Court of the European Union of 3 March 2021, EM v Parliament (T-599/19, not published, EU:T:2021:111), to the extent that the General Court rejected the claims for compensation in the action, in so far as they sought reparation for the loss or harm suffered by the appellant as a result of being prevented from carrying out tasks during the period from 8 December 2016 to 1 June 2018, the date of his retirement;

2. Dismisses the remainder of the appeal;

3. Orders the European Parliament to pay compensation in the amount of EUR 7 500 to EM;

4. Orders the European Parliament to bear its own costs in relation both to the proceedings at first instance in Case T-599/19 and the appeal proceedings and to pay half of the costs incurred by EM in relation to those proceedings.

([1]) OJ C 431, 25.10.2021.

Request for a preliminary ruling from the Sąd Okręgowy w Warszawie (Poland) lodged on 12 January 2022 — TL, WE v Getin Noble Bank S.A.

(Case C-28/22)

(2022/C 284/12)

Language of the case: Polish

Referring court

Sąd Okręgowy w Warszawie

Parties to the main proceedings

Applicants: TL, WE

Defendant: Getin Noble Bank S.A.

Questions referred

1. Must Articles 6(1) and 7(1) of Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts (OJ 1993 L 95, p. 29) ([1]) be construed as precluding an interpretation of national law which, in the case where a contract is no longer capable of continuing in existence following the elimination of abusive clauses, makes the start of the limitation period for the claims of the seller or supplier for restitution conditional on the occurrence of any of the following events:

   (a) the consumer making a claim or raising a plea against the seller or supplier on the grounds that contractual clauses are abusive, or a court, acting of its own motion, advising that contractual clauses may be declared abusive; or

   (b) the consumer stating that he or she has been given comprehensive information on the effects (legal consequences) of the contract being no longer capable of continuing in existence, including information on the possible claims of the seller or supplier for restitution and the extent of those claims; or

   (c) the consumer's knowledge (awareness) of the effects (legal consequences) of the contract being no longer capable of continuing in existence being established during court proceedings, or the court advising the consumer of such consequences; or

   (d) the final court judgment resolving the dispute between the seller or supplier and the consumer being delivered?

2. Must Articles 6(1) and 7(1) of Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts be construed as precluding an interpretation of national law which, in the case where a contract is no longer capable of continuing in existence following the elimination of abusive clauses, places no obligation on the seller or supplier against whom a consumer has brought a claim related to the presence of abusive clauses in the contract to take steps of its own motion to establish whether the consumer is aware of the consequences of abusive clauses being eliminated or of the contract being no longer capable of continuing in existence?

3. Must Articles 6(1) and 7(1) of Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts be construed as precluding an interpretation of national law which, in the case where a contract is no longer capable of continuing in existence following the elimination of abusive clauses, provides that the limitation period for the consumer's claims for restitution starts to run before the limitation period for the claims of the seller or supplier for restitution?

4. Must Article 7(1) of Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts be construed as precluding an interpretation of national law which, in the case where a contract is no longer capable of continuing in existence following the elimination of abusive clauses, entitles the seller or supplier to make the repayment of the amounts received from the consumer conditional on the consumer at the same time offering to repay the amounts received from the seller or supplier or providing security for the repayment of those amounts, whereby the amount to be paid by the consumer does not include the sums which have become time-barred?

5. Must Article 7(1) of Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts be construed as precluding an interpretation of national law which, in the case where a contract is no longer capable of continuing in existence following the elimination of abusive clauses, does not entitle the consumer in whole or in part to interest for late payment in respect of the period from the receipt by the seller or supplier of the demand for restitution in the event that the seller or supplier exercises the right referred to in Question 4?

([1]) OJ 1993 L 95, p. 29.

Request for a preliminary ruling from the Naczelny Sąd Administracyjny (Poland) lodged on 16 February 2022 — C. Sp. z o.o. (currently in liquidation) v Dyrektor Krajowej Informacji Skarbowej

(Case C-108/22)

(2022/C 284/13)

Language of the case: Polish

Referring court

Naczelny Sąd Administracyjny

Parties to the main proceedings

Applicant: C. Sp. z o.o. (currently in liquidation)

Defendant: Dyrektor Krajowej Informacji Skarbowej

Question referred

Must Article 306 of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax ([1]) be interpreted as being applicable to a taxable person who is a hotel services consolidator and who purchases accommodation services and resells them to other economic operators, in cases where those transactions are not accompanied by any other ancillary services?

([1]) OJ 2006 L 347, p. 1.

Request for a preliminary ruling from the Naczelny Sąd Administracyjny (Poland) lodged on 18 February 2022 — Dyrektor Izby Administracji Skarbowej w Warszawie v W. Sp. z o.o.

(Case C-114/22)

(2022/C 284/14)

Language of the case: Polish

Referring court

Naczelny Sąd Administracyjny

Parties to the main proceedings

Appellant: Dyrektor Izby Administracji Skarbowej w Warszawie

Respondent: W. Sp. z o.o.

Question referred

Must the provisions of Articles 167, 168(a), 178(a) and 273 of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ 2006 L 347, p. 1) [1] and the principles of neutrality and proportionality be interpreted as precluding a national provision, such as Article 88(3a)(4)(c) of the Ustawa z dnia 11 marca 2004 r. o podatku od towarów i usług (Law of 11 March 2004 on the Tax on Goods and Services, Dziennik Ustaw (Journal of Laws) of 2011, No 177, item 1054, as amended), which deprives a taxable person of the right to deduct VAT on the acquisition of a right (asset) deemed to have been made under false pretences within the meaning of the provisions of national civil law, irrespective of whether the result sought was a tax advantage, the granting of which would be contrary to one or more of the objectives of the directive and whether it constituted the principal aim of the contractual approach adopted?

[1] OJ 2006 L 347, p. 1.

Request for a preliminary ruling from the Sąd Rejonowy dla Warszawy-Śródmieścia w Warszawie (Poland) lodged on 25 February 2022 — SM, KM v mBank S.A.

(Case C-140/22)

(2022/C 284/15)

Language of the case: Polish

Referring court

Sąd Rejonowy dla Warszawy-Śródmieścia w Warszawie

Parties to the main proceedings

Applicants: SM, KM

Defendant: mBank S.A.

Questions referred

Must Article 6(1) and Article 7(1) of Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts, [1] and the principles of effectiveness and equivalence, be interpreted as precluding a judicial interpretation of national legislation pursuant to which, in the case where a contract contains an unfair term without which it cannot be performed:

1. the contract becomes definitively ineffective (invalid) retroactively from the time of its conclusion only after the consumer has made a declaration of intent that he or she does not consent to the unfair term remaining effective, is aware of the consequences of the invalidity of the contract and consents to the contract being invalidated;

2. the limitation period for a seller or supplier's claim for the return of undue payments under the contract begins to run only from the date on which the consumer made the declaration of intent referred to in point 1 above, even if the consumer had previously demanded payment from the seller or supplier and the seller or supplier could have been previously aware that the contract drawn up by it contained unfair terms;

3. the consumer may demand payment of statutory interest for late payment only from the date on which he or she made the declaration of intent referred to in point 1 above, even if he or she had previously demanded payment from the seller or supplier;

4. the consumer's claim for the return of payments which he or she made under the invalid loan agreement (loan instalments, fees, commissions and insurance premiums) must be reduced by the equivalent of the interest on principal to which the bank would have been entitled if the loan agreement had been valid, whereas the bank can demand the return of the payments which it made under the same invalid loan agreement (loan principal) in full?

(1) OJ 1993 L 95, p. 29.

Request for a preliminary ruling from the Wojewódzki Sąd Administracyjny we Wrocławiu (Poland) lodged on 1 March 2022 — YD v Dyrektor Krajowej informacji Skarbowej

(Case C-146/22)

(2022/C 284/16)

Language of the case: Polish

Referring court

Wojewódzki Sąd Administracyjny we Wrocławiu

Parties to the main proceedings

Applicant: YD

Respondent: Dyrektor Krajowej informacji Skarbowej

Questions referred

1. Do Articles 2(1)(a) and (c), 14(1), 24(1), 98(1), (2) and (3) of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347, 11 December 2006, p. 1; 'the VAT Directive'), (1) read in conjunction with Article 6(1) and (2) of Council Implementing Regulation (EU) No 282/2011 of 15 March 2011 laying down implementing measures for Directive 2006/112/EC on the common system of value added tax (recast; OJ L 7, 23 March 2011, p. 1) (2) and with points 1 and 12a of Annex III to that directive, the fourth and seventh recitals in the preamble to the VAT Directive, the principle of sincere cooperation, the principle of fiscal neutrality, the principle of fiscal legality and the principle of legal certainty preclude national legislation, such as that applicable in the present case, which provides for a reduced rate of VAT of 5 % for food products including beverages containing milk, with reference to CN 2202, from excluding from that rate food products, including beverages containing milk, which are classified as food and beverage service activities on the basis of the Polish statistical classification (PKWiU 56), and applying to such goods (their supply or services) the reduced VAT rate of 8 % if the average consumer, when purchasing such goods or services, treats them as meeting the same need?

2. Is an administrative practice which results in the application of two different reduced rates of VAT to goods with the same objective characteristics and properties depending on whether services consisting in the preparation and serving of such goods are involved, thus excluding such goods on subjective rather than objective grounds, consistent with the principles of fiscal neutrality and legal certainty?

(1) OJ 2006 L 347, p. 1.
(2) OJ 2011 L 77, p. 1.

Request for a preliminary ruling from the Sąd Apelacyjny w Krakowie (Poland) lodged on 31 March 2022 — 'R' S.A. v AW 'T' sp. z o.o.

(Case C-225/22)

(2022/C 284/17)

Language of the case: Polish

Referring court

Sąd Apelacyjny w Krakowie

Parties to the main proceedings

Appellant: 'R' S.A.

Respondent: AW 'T' sp. z o.o.

Questions referred

1. Must the second subparagraph of Article 19(1), Article 2, Article 4(3) and Article 6(3) of the Treaty on European Union (TEU), in conjunction with Article 47 of the Charter of Fundamental Rights of the European Union ('the Charter') and Art. 267 of the Treaty on the Functioning of the European Union (TFEU), and the principle of the primacy of EU law be interpreted as permitting a national court to disregard a decision of a constitutional court which is mandatory under national law, including constitutional law, in so far as that decision precludes an examination by the national court as to whether, having regard to the way in which the judges were appointed, the judicial body is an independent and impartial court previously established by law within the meaning of European Union law?

2. Must the second subparagraph of Article 19(1), Article 2, Article 4(3) and Article 6(3) TEU, in conjunction with Article 47 of the Charter and Article 267 TFEU, be interpreted as precluding national rules adopted by a Member State: (a) prohibiting the national court from assessing the lawfulness of the appointment of a judge and consequently examining whether the judicial body is a court within the meaning of European Union law and (b) providing for the disciplinary liability of a judge for judicial actions connected with the examination in question?

3. Must the second subparagraph of Article 19(l), Article 2, Article 4(3) and Article 6(3) TEU, in conjunction with Article 47 of the Charter and Art. 267 TFEU, be interpreted as meaning that an ordinary court which satisfies the requirements laid down on a court within the meaning of EU law is not bound by a judgment of a court of final instance — sitting with members who were appointed to the office of judge in flagrant breach of national law governing the nomination process for the office of a judge of the Sąd Najwyższy (Supreme Court), as a result of which that court does not fulfil the requirement of an independent and impartial court previously established by law and of ensuring that individuals are afforded effective legal protection — issued as a result of an extraordinary appeal procedure (extraordinary appeal), setting aside a final judgment and referring the case back to the ordinary court for re-examination?

4. If the answer to the third question is in the affirmative, must the second subparagraph of Article 19(1), Article 2, Article 4(3) and Article 6(3) TEU, in conjunction with Article 47 of the Charter and Article 267 TFEU, be interpreted in such manner that non-binding means that

   — a judgment given by a court of final instance, established in the manner described in paragraph 3, is not a judgment in a legal sense (is a non-existent judgment) within the meaning of EU law, and the assessment in that regard may be made by an ordinary court which satisfies the requirements laid down on a court within the meaning of EU law,

   — or is the judgment given by the court of final instance, established in the manner described in paragraph 3, a judgment that does exist in a legal sense, but the ordinary court retrying the case is entitled and obliged to disapply the application of provisions of national law concerning the consequences of that judgment to the extent necessary to ensure that individuals are afforded effective legal protection?

Request for a preliminary ruling from the Bundesfinanzhof (Germany) lodged on 14 April 2022 — Finanzamt Hannover-Nord v H Lebensversicherung

(Case C-258/22)

(2022/C 284/18)

Language of the case: German

Referring court

Bundesfinanzhof

Parties to the main proceedings

Defendant and appellant in the appeal on a point of law: Finanzamt Hannover-Nord

Applicant and respondent in the appeal on a point of law: H Lebensversicherung

Question referred

Is Article 56(1) of the Treaty establishing the European Economic Community (now Article 63(1) of the Treaty on the Functioning of the European Union) to be interpreted as precluding a provision of a Member State under which, when determining the taxable amount for a corporation's trade tax, dividends that derive from holdings in foreign companies of less than 10 % (free-float holdings) are to be added back to the taxable amount if and to the extent that those dividends have been deducted from the taxable amount in a previous step of the calculation, whereas, with regard to such dividends that derive from free-float holdings in companies with registered office in the Member State concerned, no deduction and, consequently, no add-back of the dividends is to take place in the calculation of the taxable amount for trade tax?

Request for a preliminary ruling from the Landgericht Erfurt (Germany) lodged on 19 April 2022 — Seven.One Entertainment Group GmbH v Corint Media GmbH

(Case C-260/22)

(2022/C 284/19)

Language of the case: German

Referring court

Landgericht Erfurt

Parties to the main proceedings

Applicant: Seven.One Entertainment Group GmbH

Defendant: Corint Media GmbH

Questions referred

1. Must Directive 2001/29/EC [1] be interpreted as meaning that broadcasting organisations are entitled, directly and originally, to the right to the fair compensation provided for under the 'private copying' exception, in accordance with Article 5(2)(b) of Directive 2001/29/EC?

2. Having regard to their right under Article 2(e) of Directive 2001/29/EC, can broadcasting organisations be excluded from the right to fair compensation under Article 5(2)(b) of Directive 2001/29/EC because they may also be entitled to fair compensation in their capacity as film producers under that provision?

3. If Question 2 is answered in the affirmative:

Is the general exclusion of broadcasting organisations permissible even though, depending on their specific programming, they sometimes acquire film producers' rights only to a very small extent (in particular in the case of television channels with a high proportion of programmes licensed from third parties) and they sometimes acquire no film producers' rights at all (in particular in the case of radio broadcasters)?

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[1] Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (OJ 2001 L 167, p. 10).

Request for a preliminary ruling from the Tribunal da Relação de Lisboa (Portugal) lodged on 20 April 2022 — Fonds de Garantie des Victimes des Actes de Terrorisme et d'Autres Infractions (FGTI) v Victoria Seguros S.A.

(Case C-264/22)

(2022/C 284/20)

Language of the case: Portuguese

Referring court

Tribunal da Relação de Lisboa

Parties to the main proceedings

Appellant: Fonds de Garantie des Victimes des Actes de Terrorisme et d'Autres Infractions (FGTI)

Respondent: Victoria Seguros S.A.

Question referred

Is the law applicable to the limitation rules for the right to claim compensation that of the place of the accident (Portuguese law), in accordance with Articles 4(l) and 15(h) of Regulation (EC) No 864/2007 ([1]) of the European Parliament and of the Council of 11 July 2007 (Rome II) or, if the injured party's place is taken by subrogation, is the 'law of the third person' subrogee (French law) applicable in accordance with Article 19 of that Regulation?

([1]) Regulation (EC) No 864/2007 of the European Parliament and of the Council of 11 July 2007 on the law applicable to non-contractual obligations (Rome II) (OJ 2007 L 199, p. 40).

Appeal brought on 3 May 2022 by United Parcel Service, Inc. against the judgment of the General Court (Seventh Chamber, Extended Composition) delivered on 23 February 2022 in Case T-834/17, United Parcel Service v Commission

(Case C-297/22 P)

(2022/C 284/21)

Language of the case: English

Parties

Appellant: United Parcel Service, Inc. (represented by: A. Ryan, Solicitor, W. Knibbeler, F. Roscam Abbing, A. Pliego Selie and T. C. van Helfteren, advocaten, and F. Hoseinian, Advokat)

Other party to the proceedings: European Commission

Form of order sought

The appellant claims that the Court should:

— set aside the judgment of the General Court as requested in this appeal;

— render final judgment and compensate the Appellant for the damages incurred and applicable interest as requested at first instance as part of these Article 340 TFEU proceedings, or, in the alternative, refer the case back to the General Court for determination in accordance with the judgment of the Court of Justice; and

— order the Commission to pay the costs of these proceedings and of the proceedings before the General Court.

Pleas in law and main arguments

By the first ground of appeal, the Appellant claims that the General Court committed errors of law in concluding that the serious procedural error committed by the Commission in relation to the econometric model (and the substantive irregularities which it accepts) were insufficient to establish causation, and by failing to qualify the substantive irregularities in relation to the econometric model as a sufficiently serious breach establishing liability.

By the second ground of appeal, the Appellant claims that the General Court committed an error of law in concluding that the break fee is irrecoverable because it is incurred 'freely'.

By the third ground of appeal, the Appellant claims that the General Court committed an error of law in concluding that the foregone synergies are irrecoverable.

By the fourth ground of appeal, the Appellant claims that the General Court committed an error of law in concluding that the Commission has a discretion to accept efficiencies and thus that the Commission did not commit a sufficiently serious error as regards the efficiency assessment.

By the fifth ground of appeal, the Appellant claims that the General Court committed an error of law in concluding that UPS did not make the necessary requests to the hearing officer for FedEx documents.

By the sixth ground of appeal, the Appellant claims that the General Court committed an error of law in concluding that the damage emanating from the loss of opportunity constitutes a new head of damage which would be inadmissible.

Reference for a preliminary ruling from High Court (Ireland) made on 16 May 2022 — Friends of the Irish Environment CLG v Minister for Agriculture, Food and the Marine, Ireland and the Attorney General

(Case C-330/22)

(2022/C 284/22)

Language of the case: English

Referring court

High Court (Ireland)

Parties to the main proceedings

Applicant: Friends of the Irish Environment CLG

Respondents: The Minister for Agriculture, Food and the Marine, Ireland and the Attorney General

Questions referred

1) In circumstances where the 2020 Regulation ([1]) has been superseded and/or the national implementing measures have expired, is the within reference necessary to be referred?

2) Is Annex IA of Council Regulation 2020/123/EU invalid, having regard to the aims and objectives of Regulation (EU) 1380/2013 ([2]) (the 'CFP Regulation'), and specifically Article 2(1) and 2(2) of the CFP Regulation including the objective of the second sentence of Article 2(2) and the principles of good governance set out in Articles 3(c) and (d) of the CFP Regulation (including the extent to which it applies to stocks for which a pre-cautionary approach is required), when read in conjunction with Articles 9, 10, 15 and 16 of the CFP Regulation and the Recitals thereto and Articles 1, 2, 3, 4, 5, 8 and 10 of Regulation 2019/472 ([3]) of the European Parliament and of the Council establishing a multi-annual plan for stocks fished in the Western Waters ('the Western Waters Regulation'), insofar as the total allowable catches ('TACs') set by the 2020 Regulation do not follow zero-catch advice for maximum sustainable yield ('MSY') issued by the International Council for the Exploration of the Sea ('ICES') for certain species?

([1]) Council Regulation 2020/123/EU of 27 January 2020 fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters (OJ 2020, L 25, p. 1).

([2]) Regulation 1380/2013/EU of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ 2013, L 354, p. 22).

([3]) OJ 2019, L 83, p. 1

Request for a preliminary ruling from the Svea hovrätt, Patent- och marknadsöverdomstolen (Sweden) lodged on 24 May 2022 — BSH Hausgeräte GmbH v Aktiebolaget Electrolux

(Case C-339/22)

(2022/C 284/23)

Language of the case: Swedish

Referring court

Svea hovrätt, Patent- och marknadsöverdomstolen

Parties to the main proceedings

Appellant: BSH Hausgeräte GmbH

Respondent: Aktiebolaget Electrolux

Questions referred

1. Is Article 24(4) of Regulation (EU) 1215/2012 ([1]) of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters to be interpreted as meaning that the expression 'proceedings concerned with the registration or validity of patents … irrespective of whether the issue is raised by way of an action or as a defence' implies that a national court, which, pursuant to Article 4(1) of that regulation, has declared that it has jurisdiction to hear a patent infringement dispute, no longer has jurisdiction to consider the issue of infringement if a defence is raised that alleges that the patent at issue is invalid, or is the provision to be interpreted as meaning that the national court only lacks jurisdiction to hear the defence of invalidity?

2. Is the answer to Question 1 affected by whether national law contains provisions, similar to those laid down in the second subparagraph of Paragraph 61 of the Patentlagen (Patents Law), which means that, for a defence of invalidity raised in an infringement case to be heard, the defendant must bring a separate action for a declaration of invalidity?

3. Is Article 24(4) of the Brussels I Regulation ([2]) to be interpreted as being applicable to a court of a third country, that is to say, in the present case, as also conferring exclusive jurisdiction on a court in Turkey in respect of the part of the European patent which has been validated there?

([1]) OJ 2012 L 351, p. 1.

([2]) Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ 2012 L 351, p. 1).

GENERAL COURT

Judgment of the General Court of 1 June 2022 — Fundación Tatiana Pérez de Guzmán el Bueno and SFL v SRB

(Case T-481/17) ([1])

(Economic and monetary union — Banking Union — Single Resolution Mechanism for credit institutions and certain investment firms (SRM) — Resolution procedure applicable where an entity is failing or is likely to fail — Adoption of a resolution scheme by the SRB in respect of Banco Popular Español — Action for annulment — Challengeable act — Admissibility — Right to be heard — Right to property — Obligation to state reasons — Articles 18, 20 and 24 of Regulation (EU) No 806/2014)

(2022/C 284/24)

Language of the case: Spanish

Parties

Applicants: Fundación Tatiana Pérez de Guzmán el Bueno (Madrid, Spain), Stiftung für Forschung und Lehre (SFL) (Zürich, Switzerland) (represented by: R. Pelayo Jiménez, A. Muñoz Aranguren and R. Pelayo Torrent, lawyers)

Defendant: Single Resolution Board (represented by: J. King and M. Fernández Rupérez, acting as Agents, and by B. Meyring, S. Schelo, F. Fernández de Trocóniz Robles, T. Klupsch and S. Ianc, lawyers)

Interveners in support of the defendant: Kingdom of Spain (represented by: S. Centeno Huerta, L. Aguilera Ruiz, S. Jiménez García and J. Rodríguez de la Rúa Puig, acting as Agents), European Parliament (represented by: P. López-Carceller, M. Martínez Iglesias, L. Visaggio, J. Etienne, M. Menegatti and M. Sammut, acting as Agents), Council of the European Union (represented by: A. de Gregorio Merino, J. Bauerschmidt, A. Westerhof Löfflerová and H. Marcos Fraile, acting as Agents), European Commission (represented by: L. Flynn and A. Steiblytė, acting as Agents), Banco Santander, SA (Santander, Spain) (represented by: J. Rodríguez Cárcamo, A. Rodríguez Conde, D. Sarmiento Ramírez-Escudero and J. Remón Peñalver, laywers)

Re:

Application under Article 263TFEU seeking the annulment of Decision SRB/EES/2017/08 of the Executive Session of the SRB of 7 June 2017, concerning the adoption of a resolution scheme in respect of Banco Popular Español, SA.

Operative part of the judgment

The Court:

1. Dismisses the action;

2. Orders Fundación Tatiana Pérez de Guzmán el Bueno and Stiftung für Forschung und Lehre (SFL) to bear their own costs and to pay the costs incurred by the Single Resolution Board (SRB) and Banco Santander, SA;

3. Orders the Kingdom of Spain, the European Parliament, the Council of the European Union and the European Commission to bear their own costs.

([1]) OJ C 318, 25.9.2017.

Judgment of the General Court of 1 June 2022 — Del Valle Ruíz and Others v Commission and SRB

(Case T-510/17) ([1])

(Economic and monetary union — Banking Union — Single Resolution Mechanism for credit institutions and certain investment firms (SRM) — Resolution procedure applicable where an entity is failing or is likely to fail — Adoption by the SRB of a resolution scheme in respect of Banco Popular Español — Right to be heard — Delegation of power — Right to property — Obligation to state reasons — Articles 18 and 20 and Article 21(1) of Regulation (EU) No 806/2014)

(2022/C 284/25)

Language of the case: English

Parties

Applicants: Antonio Del Valle Ruíz (Mexico, Mexico) and 41 other applicants whose names are listed in the annex to the judgment (represented by: J. Pobjoy, Barrister, B. Kennelly QC, and S. Walker, Solicitor)

Defendants: European Commission (represented by: L. Flynn and A. Steiblytė, acting as Agents), Single Resolution Board (represented by: J. King and M. Fernández Rupérez, acting as Agents, and by B. Meyring, S. Schelo, F. Fernández de Trocóniz Robles, T. Klupsch and S. Ianc, lawyers)

Interveners in support of the defendants: Kingdom of Spain (represented by: L. Aguilera Ruiz and J. Rodríguez de la Rúa Puig, acting as Agents), European Parliament (represented by: L. Visaggio, J. Etienne, M. Menegatti, M. Sammut, L. Stefani and M. Martínez Iglesias, acting as Agents), Council of the European Union (represented by: A. de Gregorio Merino, J. Bauerschmidt, A. Westerhof Löfflerová and H. Marcos Fraile, acting as Agents), Banco Santander, SA (Santander, Spain) (represented by: J. Rodríguez Cárcamo, A. Rodríguez Conde, D. Sarmiento Ramírez-Escudero, lawyers, and G. Cahill, Barrister)

Re:

Application based on Article 263 TFEU for annulment of Decision SRB/EES/2017/08 of the Executive Session of the SRB of 7 June 2017 concerning the adoption of a resolution scheme in respect of Banco Popular Español, SA, and for annulment of Commission Decision (EU) 2017/1246 of 7 June 2017 endorsing the resolution scheme for Banco Popular Español S.A. (OJ 2017 L 178, p. 15).

Operative part of the judgment

The Court:

1. Dismisses the action;

2. Orders Mr Antonio Del Valle Ruíz and the other applicants whose names are listed in the annex to bear their own costs and pay the costs incurred by the European Commission, the Single Resolution Board (SRB) and Banco Santander, SA;

3. Orders the Kingdom of Spain, the European Parliament and the Council of the European Union to bear their own costs.

([1]) OJ C 374, 6.11.2017.

Judgment of the General Court of 18 May 2022 — Uzina Metalurgica Moldoveneasca v Commission

(Case T-245/19) ([1])

(Safeguard measures — Market for steel products — Implementing Regulation (EU) 2019/159 — Action for annulment — Interest in bringing proceedings — Standing to bring proceedings — Admissibility — Equal treatment — Legitimate expectations — Principle of sound administration — Duty of care — Threat of serious injury — Manifest error of assessment — Initiation of a safeguard investigation — Competence of the Commission — Rights of the defence)

(2022/C 284/26)

Language of the case: English

Parties

Applicant: Uzina Metalurgica Moldoveneasca OAO (Rîbnița, Moldova) (represented by: P. Vander Schueren and E. Gergondet, lawyers)

Defendant: European Commission (represented by: G. Luengo and P. Němečková, acting as Agents)

Re:

By its action under Article 263 TFEU, the applicant, Uzina Metalurgica Moldoveneasca OAO, seeks annulment of Commission Implementing Regulation (EU) 2019/159 of 31 January 2019 imposing definitive safeguard measures against imports of certain steel products (OJ 2019 L 31, p. 27), in so far as it applies to the applicant.

Operative part of the judgment

The Court:

1. Dismisses the action;

2. Uzina Metalurgica Moldoveneasca OAO is ordered to pay the costs.

([1]) OJ C 230, 8.7.2019.

Judgment of the General Court of 18 May 2022 — Wieland-Werke v Commission

(Case T-251/19) ([1])

(Competition — Concentrations — Market for rolled products and pre-rolled strip made of copper and copper alloys — Decision declaring the concentration incompatible with the internal market and the EEA Agreement — Commitments — Relevant market — Assessment of the horizontal and vertical effects of the transaction on competition — Manifest error of assessment — Principle of good administration — Rights of the defence)

(2022/C 284/27)

Language of the case: English

Parties

Applicant: Wieland-Werke AG (Ulm, Germany) (represented by: U. Soltész, C. von Köckritz and K. Winkelmann, lawyers)

Defendant: European Commission (represented by: P. Berghe, A. Cleenewerck de Crayencour, M. Farley and F. Jimeno Fernández, acting as Agents)

Re:

Application under Article 263 TFEU seeking annulment of Commission Decision C(2019) 922 final of 5 February 2019 declaring a concentration to be incompatible with the internal market and the EEA Agreement (Case M.8900 — Wieland/Aurubis Rolled Products/Schwermetall).

Operative part of the judgment

The Court:

1. Dismisses the action;

2. Orders Wieland-Werke AG to pay the costs.

(1) OJ C 213, 24.6.2019.

Judgment of the General Court of 18 May 2022 — Foz v Council

(Case T-296/20) (1)

(Common foreign and security policy — Restrictive measures adopted against Syria — Freezing of funds — Error of assessment — Proportionality — Right to property — Right to pursue an economic activity — Misuse of powers — Obligation to state reasons — Rights of the defence — Right to a fair trial — Determination of listing criteria)

(2022/C 284/28)

Language of the case: English

Parties

Applicant: Amer Foz (Dubai, United Arab Emirates) (represented by: L. Cloquet, lawyer)

Defendant: Council of the European Union (represented by: T. Haas and M. Bishop, acting as Agents)

Re:

By his action under Article 263 TFEU, the applicant seeks the annulment of Council Implementing Decision (CFSP) 2020/212 of 17 February 2020 implementing Decision 2013/255/CFSP concerning restrictive measures against Syria (OJ 2020 L 43 I, p. 6), Council Implementing Regulation (EU) 2020/211 of 17 February 2020 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria (OJ 2020 L 43 I, p. 1), Council Decision (CFSP) 2020/719 of 28 May 2020 amending Decision 2013/255/CFSP concerning restrictive measures against Syria (OJ 2020 L 168, p. 66), Council Implementing Regulation (EU) 2020/716 of 28 May 2020 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria (OJ 2020 L 168, p. 1), Council Decision (CFSP) 2021/855 of 27 May 2021 amending Decision 2013/255/CFSP concerning restrictive measures against Syria (OJ 2021 L 188, p. 90) and Council Implementing Regulation (EU) 2021/848 of 27 May 2021 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria (OJ 2021 L 188, p. 18), in so far as those acts include or maintain his name on the lists annexed to those acts.

Operative part of the judgment

The Court:

1. Dismisses the action;

2. Orders Mr Amer Foz to pay the costs.

(1) OJ C 255, 3.8.2020.

Judgment of the General Court of 18 May 2022 — Eurobolt and Others v Commission

(Case T-479/20) ([1])

(Dumping — Extension of the anti-dumping duty imposed on imports of certain iron or steel fasteners originating in China to imports consigned from Malaysia — Compliance with a judgment of the Court of Justice — Article 266 TFEU — Re-imposition of a definitive anti-dumping duty — Non-retroactivity — Effective judicial protection — Principle of good administration — Competence of the author of the act)

(2022/C 284/29)

Language of the case: English

Parties

Applicants: Eurobolt BV ('s-Heerenberg, Netherlands), Fabory Nederland BV (Tilburg, Netherlands), ASF Fischer BV (Lelystad, Netherlands), Stafa Group BV (Maarheeze, Netherlands) (represented by: S. De Knop, B. Natens and A. Willems, lawyer)

Defendant: European Commission (represented by: T. Maxian Rusche and G. Luengo, acting as Agents)

Re:

Application based on Article 263 TFEU seeking annulment of Commission Implementing Regulation (EU) 2020/611 of 30 April 2020 re-imposing the definitive anti-dumping duty imposed by Council Regulation (EC) No 91/2009 on imports of certain iron or steel fasteners originating in the People's Republic of China to imports of certain iron or steel fasteners consigned from Malaysia, whether declared as originating in Malaysia or not (OJ 2020 L 141, p. 1).

Operative part of the judgment

The Court:

1. Dismisses the action;

2. Orders Eurobolt BV, Fabory Nederland BV, ASF Fischer BV and Stafa Group BV to pay the costs.

([1]) OJ C 304, 14.9.2020.

Judgment of the General Court of 18 May 2022 — Ryanair v Commission (Condor; rescue aid)

(Case T-577/20) ([1])

(State aid — German air transport market — Loan granted by Germany to Condor Flugdienst — Decision declaring the aid compatible with the internal market — Article 107(3)(c) TFEU — Guidelines on State aid for rescuing and restructuring undertakings in difficulty — Intrinsic difficulties that are not the result of an arbitrary allocation of costs within the group — Difficulties that are too serious to be dealt with by the group itself — Risk of disruption to an important service)

(2022/C 284/30)

Language of the case: English

Parties

Applicant: Ryanair DAC (Swords, Ireland) (represented by: E. Vahida, F.-C. Laprévote, V. Blanc, S. Rating and I.-G. Metaxas-Maranghidis, lawyers)

Defendant: European Commission (represented by: L. Flynn and V. Bottka, acting as Agents)

Intervener in support of the defendant: Condor Flugdienst GmbH (Neu-Isenburg, Germany) (represented by: A. Birnstiel and S. Blazek, lawyers)

Re:

By its action on the basis of Article 263 TFEU, the applicant seeks annulment of Commission Decision C(2019) 7429 final of 14 October 2019 on State aid SA.55394 (2019/N) — Germany — Rescue aid to Condor (OJ 2020 C 294, p. 3).

Operative part of the judgment

The Court:

1. Dismisses the action;

2. Orders Ryanair DAC to bear its own costs, and to pay those incurred by the European Commission;

3. Orders Condor Flugdienst GmbH to bear its own costs.

([1]) OJ C 399, 23.11.2020.

Judgment of the General Court of 18 May 2022 — Tirrenia di navigazione v Commission

(Case T-593/20) ([1])

(State aid — Maritime transport — Service of general economic interest — Decision declaring the aid unlawful — Decision declaring the aid partly compatible and partly incompatible with the internal market and ordering its recovery — Rescue aid — Compatibility with the internal market — Period of six months — Extension — Requirement to submit a restructuring or liquidation plan — Guidelines on State aid for rescuing and restructuring firms in difficulty — Tax exemption — Advantage — Selective nature — Effect on trade between Member States — Adverse effect on competition — Excessive duration of the procedure — Legitimate expectations — Legal certainty — Principle of good administration)

(2022/C 284/31)

Language of the case: Italian

Parties

Applicant: Tirrenia di navigazione SpA (Rome, Italy) (represented by: B. Nascimbene and F. Rossi Dal Pozzo, lawyers)

Defendant: European Commission (represented by: G. Braga da Cruz and D. Recchia, acting as Agents)

Re:

By its application under Article 263 TFEU, the applicant seeks the annulment of Commission Decision (EU) 2020/1412 of 2 March 2020 on the measures SA.32014, SA.32015, SA.32016 (11/C) (ex 11/NN) implemented by Italy for Tirrenia di Navigazione and its acquirer Compagnia Italiana di Navigazione (OJ 2020 L 332, p. 45).

Operative part of the judgment

The Court:

1. Dismisses the action;

2. Orders Tirrenia di navigazione SpA to pay the costs.

([1]) OJ C 378, 9.11.2020.

Judgment of the General Court of 18 May 2022 — Tirrenia di navigazione v Commission

(Case T-601/20) ([1])

(State aid — Maritime transport — Service of general economic interest — Aid granted to Adriatica for the period from January 1992 to July 1994 in relation to the Brindisi/Corfu/Igoumenitsa/Patras connection — Decision declaring the aid unlawful — Decision declaring the aid incompatible with the internal market and ordering its recovery — Interest accrued — Limitation period — New aid — Incompatibility with the internal market — Effects of a cartel on the market — Excessive duration of the procedure — Legitimate expectations — Legal certainty — Principle of good administration)

(2022/C 284/32)

Language of the case: Italian

Parties

Applicant: Tirrenia di navigazione SpA (Rome, Italy) (represented by: B. Nascimbene and F. Rossi Dal Pozzo, lawyers)

Defendant: European Commission (represented by: G. Braga da Cruz and D. Recchia, acting as Agents)

Re:

By its action under Article 263 TFEU, the applicant seeks annulment of Commission Decision (EU) 2020/1411 of 2 March 2022 on the State aid No C 64/99 (ex NN 8/99) implemented by Italy for the Adriatica, Caremar, Siremar, Saremar and Toremar shipping companies (Tirrenia Group) in so far as it concerns it.

Operative part of the judgment

The Court:

1. Dismisses the action;

2. Orders Tirrenia di navigazione SpA to pay the costs.

([1]) OJ C 378, 9.11.2020.

Judgment of the General Court of 1 June 2022 — OG v EDA

(Case T-632/20) ([1])

(Civil service — Members of the temporary staff — EDA staff — Vacancy notice — Head of Unit post — Rejection of application — Obligation to state reasons — Equal treatment — Transparency — Objectivity — Principle of sound administration — Infringement of the vacancy notice — Manifest error of assessment — Liability — Non-material harm)

(2022/C 284/33)

Language of the case: English

Parties

Applicant: OG (represented by: S. Pappas and N. Kyriazopoulou, lawyers)

Defendant: European Defence Agency (represented by: C. Ribeiro, acting as Agent, and by B. Wägenbaur, lawyer)

Re:

By her action under Article 270 TFEU, the applicant seeks, first, annulment of the decision of the European Defence Agency (EDA) of 13 December 2019 by which she was not placed on the reserve list for the position of Head of the IT Unit in the Corporate Services Directorate and, secondly, compensation for the harm she claims to have suffered as a result of that decision.

Operative part of the judgment

The Court:

1. Dismisses the action;

2. Orders OG to pay the costs.

(1) OJ C 19, 18.1.2021.

Judgment of the General Court of 1 June 2022 — Prigozhin v Council

(Case T-723/20) (1)

(Common foreign and security policy — Restrictive measures taken in view of the situation in Libya — Freezing of funds — List of persons and entities subject to the freezing of funds and economic resources — Restrictions on entry into and transit through the territory of the European Union — List of persons subject to restrictions on entry into and transit through the territory of the European Union — Initial inclusion and maintenance of the applicant's name on the lists of persons concerned — Obligation to state reasons — Errors of assessment — Rights of the defence — Proportionality — Foreseeability of acts of the European Union)

(2022/C 284/34)

Language of the case: English

Parties

Applicant: Yevgeniy Viktorovich Prigozhin (Saint-Petersburg, Russia) (represented by: M. Cessieux, lawyer)

Defendant: Council of the European Union (represented by: M.C. Cadilhac and V. Piessevaux, acting as Agents)

Re:

By his action pursuant to Article 263 TFEU, the applicant, Mr Yevgeniy Viktorovich Prigozhin, a Russian national, seeks the annulment, first, of Council Implementing Decision (CFSP) 2020/1483 of 14 October 2020 implementing Decision (CFSP) 2015/1333 concerning restrictive measures in view of the situation in Libya (OJ 2020 L 341, p. 16), and Council Implementing Regulation (EU) 2020/1481 of 14 October 2020 implementing Article 21(2) of Regulation (EU) 2016/44 concerning restrictive measures in view of the situation in Libya (OJ 2020 L 341, p. 7), in so far his name was included in the lists of persons and entities set out in Annexes II and IV to Council Decision (CFSP) 2015/1333 of 31 July 2015 concerning restrictive measures in view of the situation in Libya, and repealing Decision 2011/137/CFSP (OJ 2015 L 206, p. 34), and Annex III to Council Regulation (EU) 2016/44 of 18 January 2016 concerning restrictive measures in view of the situation in Libya and repealing Regulation (EU) No 204/2011 (OJ 2016 L 12, p. 1) ('the lists in question') and, secondly, after modification of the application, of Council Decision (CFSP) 2021/1251 of 29 July 2021 amending Decision 2015/1333 (OJ 2021 L 272, p. 71), and of Council Implementing Regulation (EU) 2021/1241 of 29 July 2021 implementing Article 21(2) of Regulation 2016/44 (OJ 2021 L 272, p. 1), in so far as his name was thereby maintained on the lists in question.

Operative part of the judgment

The Court:

1. Dismisses the action;

2. Orders Mr Yevgeniy Viktorovich Prigozhin to pay the costs.

(1) OJ C 44, 8.2.2021.

Judgment of the General Court of 1 June 2022 — Cristescu v Commission

(Case T-754/20) ([1])

(Civil service — Officials — Disciplinary proceedings — Acts contrary to the dignity of the office — Preliminary assessment — Administrative investigation — Mandate entrusted to IDOC — Data protection — Principe of impartiality — Principe of sound administration — Disciplinary procedure — Rights of the defence — Disciplinary penalty of reprimand — Procedural irregularity — Reasonable time — Extenuating circumstances)

(2022/C 284/35)

Language of the case: French

Parties

Applicant: Adrian Sorin Cristescu (Luxembourg, Luxembourg) (represented by: S. Orlandi, lawyer)

Defendant: European Commission (represented by: M. Brauhoff and A.-C. Simon, acting as Agents)

Re:

By his action under Article 270 TFEU, the applicant seeks annulment of the decision of the European Commission of 27 February 2020 by which it imposed on him the disciplinary penalty of reprimand pursuant to Article 9(1)(b) of Annex IX to the Staff Regulations of Officials of the European Union.

Operative part of the judgment

The Court:

1. Annuls the decision of the European Commission of 27 February 2020 which imposed a reprimand on Mr Adrian Sorin Cristescu;

2. Orders each party to bear its own costs.

([1]) OJ C 62, 22.2.2021.

Judgment of the General Court of 1 June 2022 — Aquino v Parliament

(Case T-253/21) ([1])

(Civil service — Officials — Staff Committee of the Parliament — Election of the president of the Staff Committee — Annulment of the election — Liability)

(2022/C 284/36)

Language of the case: French

Parties

Applicant: Roberto Aquino (Brussels, Belgium) (represented by: L. Levi, lawyer)

Defendant: European Parliament (represented by: S. Bukšek Tomac, R. Ignătescu and T. Lazian, acting as Agents)

Re:

By his action under Article 270 TFEU, the applicant seeks, first, annulment (i) of the decision of the European Parliament of 7 July 2020, by which that institution annulled his election as president of the Staff Committee of the Parliament ('the SC'), and, (ii), in essence, of the constituent meeting of the SC of 14 September 2020, in particular as regards the election of its president, and, second, compensation for the damage which he allegedly suffered.

Operative part of the judgment

The Court:

1. Dismisses the action;

2. Orders Mr Roberto Aquino to pay the costs.

(1) OJ C 252, 28.6.2021.

Judgment of the General Court of 18 May 2022 — Domator24.com Paweł Nowak v EUIPO — Siwek and Didyk (Armchair)

(Case T-256/21) (1)

(Community design — Invalidity proceedings — Registered community design representing an armchair — Earlier community design — Proof of disclosure — Article 7 of Regulation (EC) No 6/2002 — Ground for invalidity — No individual character — Article 25(1)(b) and Article 6(1)(b) of Regulation No 6/2002)

(2022/C 284/37)

Language of the case: Polish

Parties

Applicant: Domator24.com Paweł Nowak (Zielona Góra, Poland) (represented by: T. Gawliczek, lawyer)

Defendant: European Union Intellectual Property Office (represented by: J. Ivanauskas and E. Śliwińska, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Piotr Siwek (Gdańsk, Poland), Sebastian Didyk (Gdańsk) (represented by: W. Gierszewski, lawyer)

Re:

Action brought against the decision of the Third Board of Appeal of EUIPO of 15 March 2021 (Case R 1275/2020-3), relating to invalidity proceedings between, on the one hand, Mr Siwek and Mr Didyk and, on the other, Domator24.com Paweł Nowak.

Operative part of the judgment

The Court:

1. Dismisses the action;

2. Orders Domator24.com Paweł Nowak to pay the costs.

(1) OJ C 278, 12.7.2021.

Judgment of the General Court of 1 June 2022 — Worldwide Machinery v EUIPO — Scaip (SUPERIOR MANUFACTURING)

(Case T-316/21) (1)

(EU trade mark — Revocation proceedings — EU figurative mark SUPERIOR MANUFACTURING — Genuine use of the mark — Article 58(1)(a) of Regulation (EU) 2017/1001)

(2022/C 284/38)

Language of the case: English

Parties

Applicant: Worldwide Machinery Ltd (Channelview, Texas, United States) (represented by: B. Woltering, lawyer)

Defendant: European Union Intellectual Property Office (represented by: T. Frydendahl and D. Gája, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Scaip SpA (Parma, Italy) (represented by: B. Saguatti and A. Guareschi, lawyers)

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 25 March 2021 (Case R 873/2020-5), relating to revocation proceedings between Worldwide Machinery and Scaip.

Operative part of the judgment

The Court:

1. Dismisses the action;

2. Orders Worldwide Machinery Ltd to pay the costs.

([1]) OJ C 289, 19.7.2021.

Judgment of the General Court of 18 May 2022 — TK v Commission

(Case T-435/21) ([1])

(Civil service — Officials — Promotion — 2020 promotion exercise — Decision not to promote the applicant to grade AD 15 — Comparing merits — Equal treatment — Manifest error of assessment — Obligation to state reasons)

(2022/C 284/39)

Language of the case: French

Parties

Applicant: TK (represented by: S. Orlandi, lawyer)

Defendant: European Commission (represented by: M. Brauhoff and L. Hohenecker, acting as Agents)

Re:

By his action under Article 270 TFEU, the applicant seeks annulment, first, of the decision of the European Commission of 18 November 2020 not to include his name on the list of officials promoted to grade AD 15 under the 2020 promotion exercise and, second, of the decisions to promote to grade AD 15 officials belonging to the Senior Management Staff promoted under the 2020 promotion exercise.

Operative part of the judgment

The Court:

1. Dismisses the action;

2. Orders TK and the European Commission to each bear their own costs.

([1]) OJ C 349, 30.8.2021.

Order of the General Court of 1 June 2022 — Del Valle Ruiz and Others v SRB

(Case T-512/19) ([1])

(Action for annulment — Economic and monetary policy — Single Resolution Mechanism for credit institutions and certain investment firms (SRM) — Resolution scheme in respect of Banco Popular Español — No ex post definitive valuation of Banco Popular Español — Lack of direct concern — Manifest inadmissibility)

(2022/C 284/40)

Language of the case: Spanish

Parties

Applicants: Antonio Del Valle Ruiz (Mexico City, Mexico) and the 36 other applicants whose names are listed in the annex to the order (represented by: B. Fernández García, lawyer)

Defendant: Single Resolution Board (represented by: J. King and E. Muratori, acting as Agents, assisted by H.-G. Kamann, F. Louis, C. Schwedler, P. Gey, V. Del Pozo Espinosa De Los Monteros, G. Barthet and J. Krämer, lawyers)

Re:

By their action based on Article 263 TFEU, the applicants seek annulment of the 'decision of the Single Resolution Board (SRB) not to carry out an ex post definitive valuation of Banco Popular Español, SA, communicated to the applicants by letter of 20 May 2019'.

Operative part of the order

1. The action is dismissed as inadmissible.

2. Mr Antonio Del Valle Ruíz and the other applicants whose names are listed in the annex are ordered to pay the costs.

([1]) OJ C 295, 2.9.2019.

Order of the General Court of 19 May 2022 — Groschopp v EUIPO (Sustainability through Quality)

(Case T-212/21) ([1])

(EU trade mark — Revocation of the contested decision — Action which has become devoid of purpose — No need to adjudicate)

(2022/C 284/41)

Language of the case: German

Parties

Applicant: Groschopp AG Drives & More (Viersen, Germany) (represented by: R. Schiffer, lawyer)

Defendant: European Union Intellectual Property Office (represented by: D. Hanf, acting as Agent)

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 11 February 2021 (Case R 1076/2020-1), concerning an application for registration of the word sign Sustainability through Quality as an EU trade mark.

Operative part of the order

1. There is no longer any need to adjudicate on the action.

2. The European Union Intellectual Property Office (EUIPO) shall bear the costs.

(1) OJ C 217, 7.6.2021.

Order of the General Court of 5 May 2022 — Fibrecycle v EUIPO — (BACK-2-NATURE)

(Case T-248/21) (1)

(EU trade mark — Revocation of the contested decision — Action which has become devoid of purpose — No need to adjudicate)

(2022/C 284/42)

Language of the case: English

Parties

Applicant: Fibrecycle Pty Ltd (Helensvale, Australia) (represented by: T. Stein, lawyer)

Defendant: European Union Intellectual Property Office (represented by: D. Hanf, acting as Agent)

Re:

Action brought against the decision of the Second Board of Appeal of EUIPO of 3 March 2021 (Case R 1699/2020-2), relating to the international registration designating the European Union in respect of the word mark BACK-2-NATURE.

Operative part of the order

1. There is no longer any need to adjudicate on the action.

2. The European Union Intellectual Property Office (EUIPO) shall pay the costs.

(1) OJ C 252, 28.6.2021.

Order of the General Court of 2 May 2022 — Airoldi Metalli v Commission

(Case T-328/21) (1)

(Action for annulment — Dumping — Imports of aluminium extrusions originating in China — Act imposing a definitive anti-dumping duty — Importer — Regulatory act entailing implementing measures — Act not of individual concern — Inadmissibility)

(2022/C 284/43)

Language of the case: English

Parties

Applicant: Airoldi Metalli SpA (Molteno, Italy) (represented by: M. Campa, M. Pirovano, D. Rovetta, G. Pandey, P. Gjørtler and V. Villante, lawyers)

Defendant: European Commission (represented by: G. Luengo and P. Němečková, acting as Agents)

Re:

By its action under Article 263 TFEU, the applicant seeks annulment of Commission Implementing Regulation (EU) 2021/546 of 29 March 2021 imposing a definitive anti-dumping duty and definitively collecting the provisional duty imposed on imports of aluminium extrusions originating in the People's Republic of China (OJ 2021 L 109, p. 1).

Operative part of the order

1. The action is dismissed as inadmissible.

2. Airoldi Metalli SpA shall pay the costs.

(1) OJ C 320, 9.8.2021.

Order of the General Court of 30 May 2022 — mBank v EUIPO — European Merchant Bank (EMBANK European Merchant Bank)

(Case T-331/21) (1)

(EU trade mark — Revocation of the contested decision — Action which has become devoid of purpose — No need to adjudicate)

(2022/C 284/44)

Language of the case: English

Parties

Applicant: mBank S.A. (Warsaw, Poland) (represented by: E. Skrzydło-Tefelska and K. Gajek, lawyers)

Defendant: European Union Intellectual Property Office (represented by: T. Frydendahl and E. Markakis, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO intervening before the General Court: European Merchant Bank UAB (Vilnius, Lithuania) (represented by: G. Pranevičius, lawyer)

Re:

By its action under Article 263 TFEU, the applicant, mBank S.A., seeks annulment of the decision of the Fifth Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 30 March 2021 (Case R 1845/2020-5) relating to invalidity proceedings between itself and the intervener, European Merchant Bank ('the contested decision').

Operative part of the order

1. There is no longer any need to adjudicate on the action

2. The European Union Intellectual Property Office (EUIPO) shall pay the costs.

(1) OJ C 320, 9.8.2021.

Order of the General Court of 6 May 2022 — documentus Deutschland v EUIPO — Reisswolf (REISSWOLF)

(Case T-374/21) (1)

(EU trade mark — Invalidity proceedings — Withdrawal of the application for a declaration of invalidity — No need to adjudicate)

(2022/C 284/45)

Language of the case: German

Parties

Applicant: documentus Deutschland GmbH (Hamburg, Germany) (represented by: D. Weller, V. Wolf, A. Wulff and K. Schmidt-Hern, lawyers)

Defendant: European Union Intellectual Property Office (represented by: T. Klee and D. Hanf, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Reisswolf Akten- und Datenvernichtung GmbH & Co. KG (Hamburg) (represented by: A. Ebert-Weidenfeller and H. Förster, lawyers)

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 25 March 2021 (Case R 2354/2019-1), concerning invalidity proceedings between documentus Deutschland and Reisswolf Akten- und Datenvernichtung.

Operative part of the order

1. There is no longer any need to adjudicate on the action.

2. documentus Deutschland GmbH and Reisswolf Akten- und Datenvernichtung GmbH & Co. KG shall bear their own costs and shall each pay half of the costs incurred by the European Union Intellectual Property Office (EUIPO).

(1) OJ C 329, 16.8.2021

Order of the General Court of 30 May 2022 — Thomas Henry v EUIPO (MATE MATE)

(Case T-452/21) (1)

(EU trade mark — Revocation of the contested decision — Action which has become devoid of purpose — No need to adjudicate)

(2022/C 284/46)

Language of the case: German

Parties

Applicant: Thomas Henry GmbH (Berlin, Germany) (represented by: O. Spieker, A. Schönfleisch and N. Willich, lawyers)

Defendant: European Union Intellectual Property Office (represented by: D. Hanf, acting as Agent)

Re:

By its action under Article 263 TFEU, the applicant seeks the annulment of the decision of the First Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 28 May 2021 (Case R 406/2021-1).

Operative part of the order

1. There is no longer any need to adjudicate on the action.

2. The European Union Intellectual Property Office (EUIPO) shall bear its own costs and pay those incurred by Thomas Henry GmbH.

(1) OJ C 368, 13.9.2021.

Order of the General Court of 10 May 2022 — Girardi v EUIPO

(Case T-497/21) ([1])

(Action for annulment — EU trade mark — Representation before EUIPO — Notification of a deficiency in the power to act as a representative before EUIPO — Act not open to challenge — Preparatory act — Inadmissibility)

(2022/C 284/47)

Language of the case: English

Parties

Applicant: Giovanna Paola Girardi (Madrid, Spain) (represented by: A. Pomares Caballero and M. Pomares Caballero, lawyers)

Defendant: European Union Intellectual Property Office (represented by: G. Predonzani and A. Söder, acting as Agents)

Re:

By her action based on Article 263 TFEU, the applicant seeks, first, annulment of the act by which the European Union Intellectual Property Office (EUIPO) notified her, on 14 June 2021, of a deficiency in an application for a declaration of invalidity which she had filed under reference 000050057 C, and of any other file in which the applicant or right holder represented by her has their permanent residence outside the European Union and, secondly, a declaration that Annex 1 to Section 5 of Part A of the Guidelines for examination of European Union trade marks of EUIPO is unlawful in so far as that annex relates to professional representation by Spanish lawyers before the Office.

Operative part of the order

1. The action is dismissed as inadmissible.

2. The European Union Intellectual Property Office (EUIPO) is to bear its own costs and pay those of Ms Giovanna Paola Girardi, including those relating to the proceedings for interim relief in Case T-497/21 R.

([1]) OJ C 412, 11.10.2021.

Order of the General Court of 29 April 2022 — Abenante and Others v Parliament and Council

(Case T-527/21) ([1])

(Action for annulment — Regulation (EU) 2021/953 — EU Digital COVID Certificate — Freedom of movement for persons — Restrictions — No legal interest in bringing proceedings — No direct concern — No individual concern — Inadmissibility)

(2022/C 284/48)

Language of the case: Italian

Parties

Applicant: Stefania Abenante (Ferrare, Italy) and the 423 other applicants whose names are set out in the annex to the order (represented by: M. Sandri, lawyer)

Defendants: European Parliament (represented by: L. Visaggio, P. López-Carceller and J. Rodrigues, acting as Agents), Council of the European Union (represented by: M. Moore and S. Scarpa Ferraglio, acting as Agents)

Re:

By their action based on Article 263 TFEU, the applicants are seeking annulment of Regulation (EU) 2021/953 of the European Parliament and of the Council of 14 June 2021 on a framework for the issuance, verification and acceptance of interoperable COVID-19 vaccination, test and recovery certificates (EU Digital COVID Certificate) to facilitate free movement during the COVID-19 pandemic (OJ 2021 L 211, p. 1).

Operative part of the order

1. The action is dismissed as inadmissible.

2. There is no longer any need to adjudicate on the European Commission's application to intervene.

3. Ms Stefania Abenante and the other applicants whose names are set out in the annex shall bear their own costs and pay those incurred by the European Parliament and the Council of the European Union, including those relating to the interlocutory proceedings before the Court.

4. The Commission shall bear its own costs relating to the application to intervene.

(1) OJ C 422, 18.10.2021.

Order of the General Court of 20 May 2022 — VP v Cedefop

(Case T-534/21) (1)

(Action for annulment and for damages — Civil service — Temporary staff — Request for renewal of a contract for an indefinite period — Decision not to renew — Action for annulment and for damages — Actionable measure — Manifest inadmissibility)

(2022/C 284/49)

Language of the case: English

Parties

Applicant: VP (represented by: L. Levi, lawyer)

Defendant: European Centre for the Development of Vocational Training (Cedefop) (represented by: A. Guillerme, T. Bontinck, L. Burguin and T. Payan, lawyers)

Re:

By her action based on Article 270 TFEU, the applicant, VP, seeks, first, annulment of the decision of the European Centre for the Development of Vocational Training (Cedefop) of 2 March 2021 and, secondly, compensation for the damage which she claims to have suffered as a result of that decision.

Operative part of the order

1. The action is dismissed as manifestly inadmissible.

2. VP shall bear her own costs as well as the costs incurred by European Centre for the Development of Vocational Training (Cedefop), including the costs of the proceedings for interim measures.

(1) OJ C 431, 25.10.2021.

Order of the General Court of 1 June 2022 — Zásilkovna v Commission

(Case T-585/21) ([1])

(State aid — Compensation granted for the provision of the universal service obligation in the postal sector — Complaint — Action for annulment — Act not open to challenge — Inadmissibility)

(2022/C 284/50)

Language of the case: English

Parties

Applicant: Zásilkovna s. r. o. (Prague, Czech Republic) (represented by: R. Kubáč, lawyer)

Defendant: European Commission (represented by: J. Carpi Badía and L. Nicolae, acting as Agents)

Re:

Application under Article 263 TFEU for annulment, first, of the Commission's letter of 9 July 2021 concerning the compensation granted to Česká pošta for the provision of a universal service obligation for the period from 2018 to 2022 and the decision of 23 June 2020 initiating the formal investigation procedure (SA.55208 (2020/C), SA.55497 (2019/FC) and SA.55686 (2019/FC)) and, second, of the Commission's letter of 31 August 2021 concerning the compensation granted to Česká pošta for the provision of a universal service obligation for the period from 2018 to 2022 (SA.55208 (2020/C)).

Operative part of the order

1. The action is dismissed as inadmissible.

2. There is no need to rule on the applications to intervene of the Czech Republic and Česká pošta.

3. Zásilkovna s. r. o. shall bear its own costs and pay those incurred by the European Commission, with the exception of those relating to the applications to intervene.

4. Zásilkovna, the Czech Republic and Česká pošta shall each bear their own costs relating to the applications to intervene.

([1]) OJ C 481, 29.11.2021.

Order of the General Court of 13 May 2022 — Swords v Commission

(Case T-586/21) ([1])

(Access to documents — Regulation (EC) No 1049/2001 — Refusal of access to documents on the basis of the protection of the purpose of investigations — Confirmatory application — Implied refusal of access — Express decision adopted after the action was brought — No need to adjudicate)

(2022/C 284/51)

Language of the case: English

Parties

Applicant: Patrick Swords (Dublin, Ireland) (represented by: G. Byrne, Barrister at Law)

Defendant: European Commission (represented by: A. Spina and C. Ehrbar, acting as Agents)

Re:

By his action based on Article 263 TFEU, the applicant seeks annulment of the implied decision of the European Commission of 13 July 2021, by which the Commission, pursuant to Article 8(3) of 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), rejected his request for access to all the documents relating to the information which it had received from Ireland concerning the benefits to public health linked to the travel restrictions between the Member States of the European Union in place since the beginning of the COVID-19 pandemic.

Operative part of the order

1. There is no longer any need to adjudicate on the present action.

2. The European Commission, in addition to bearing its own costs, shall pay those incurred by Mr Patrick Swords.

([1]) OJ C 490, 6.12.2021.

Order of the General Court of 10 May 2022 — Target Brands v EUIPO — The a.r.t. company b&s (ART CLASS)

(Case T-637/21) ([1])

(European Union trade mark — Opposition proceedings — Withdrawal of the opposition — No need to adjudicate)

(2022/C 284/52)

Language of the case: English

Parties

Applicant: Target Brands, Inc. (Minneapolis, Minnesota, United States) (represented by: R. Kunze, lawyer)

Defendant: European Union Intellectual Property Office (represented by: E. Śliwińska and D. Gája, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO: The a.r.t. company b&s, SA (Quel, Spain)

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 22 June 2021 (Case R 1597/2019-5), relating to opposition proceedings between The a.r.t. company b&s and Target Brands.

Operative part of the order

1. There is no longer any need to adjudicate on the action.

2. Target Brands, Inc. shall pay the costs.

([1]) OJ C 471, 22.11.2021.

Order of the General Court of 2 June 2022 — Eurecna v Commission

(Case T-654/21) ([1])

(Action for annulment — Public supply contracts — EDF — 'Territorial strategies for innovation (TSI)' contract — OLAF investigation — Registration in the Early Detection and Exclusion System (EDES) database — Act not open to challenge — Inadmissibility)

(2022/C 284/53)

Language of the case: Italian

Parties

Applicant: Eurecna SpA (Venice, Italy) (represented by: R. Sciaudone, lawyer)

Defendant: European Commission (represented by: P. Rossi and F. Moro, acting as Agents)

Re:

Application under Article 263 TFEU for annulment of Commission Decision of 28 July 2021 to register the applicant in the Early Detection and Exclusion System (EDES) database, pursuant to Article 135(1) to (3) and Article 142(1) of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ 2018 L 193, p. 1).

Operative part of the order

1. The action is dismissed as inadmissible.

2. Eurecna SpA shall pay the costs.

([1]) OJ C 2, 3.1.2022.

Order of the General Court of 12 May 2022 — ClientEarth v Commission

(Case T-661/21) ([1])

(Access to documents — Regulation (EC) No 1049/2001 — Aarhus Convention — Regulation (EC) No 1367/2006 — Impact assessment report and other documents relating to a legislative initiative in the environmental field — Implied refusal of access — Express decision adopted after the action was brought — No need to adjudicate)

(2022/C 284/54)

Language of the case: English

Parties

Applicant: ClientEarth AISBL (Brussels, Belgium) (represented by: O. Brouwer, B. Verheijen and T. van Helfteren, lawyers)

Defendant: European Commission (represented by: C. Ehrbar and K. Herrmann, acting as Agents)

Re:

By its action under Article 263 TFEU, the applicant, ClientEarth AISBL, seeks annulment of the implied decision of the European Commission of 30 July 2021 rejecting the confirmatory application for access to several documents relating to deforestation and forest degradation.

Operative part of the order

1. There is no longer any need to adjudicate on the action.

2. The European Commission is to pay the costs.

(1) OJ C 24, 17.1.2022.

Order of the General Court of 10 May 2022 — Target Brands v EUIPO– The a.r.t. company b&s (art class)

(Case T-676/21) (1)

(European Union trade mark — Opposition proceedings — Withdrawal of the opposition — No need to adjudicate)

(2022/C 284/55)

Language of the case: English

Parties

Applicant: Target Brands, Inc. (Minneapolis, Minnesota, United States) (represented by: R. Kunze, lawyer)

Defendant: European Union Intellectual Property Office (represented by: E. Śliwińska and D. Gája, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO: The a.r.t. company b&s, SA (Quel, Spain)

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 9 August 2021 (Case R 1596/2019-5), relating to opposition proceedings between The a.r.t. company b&s and Target Brands.

Operative part of the order

1. There is no longer any need to adjudicate on the action.

2. Target Brands, Inc. shall pay the costs.

(1) OJ C 502, 13.12.2021.

Order of the General Court of 13 April 2022 — Alauzun and Others v Commission

(Case T-695/21) (1)

(Action for annulment and for failure to act — Public health — Medicinal products for human use — Conditional marketing authorisation for mRNA-technology vaccines — Lack of carcinogenicity and genotoxicity studies — Time limit for bringing proceedings — Delay — No invitation to act — Position taken — No interest in bringing proceedings — Lack of direct concern — Lack of individual concern — Inadmissibility — Request for the Court to issue directions — Lack of jurisdiction)

(2022/C 284/56)

Language of the case: French

Parties

Applicants: Virginie Alauzun (Saint Cannat, France) and the 773 other applicants whose names are listed in the annex to the order (represented by: F. Di Vizio, lawyer)

Defendant: European Commission (represented by: G. Gattinara and L. Haasbeek, acting as Agents)

Re:

By their action under Articles 263, 265 and 266 TFEU, the applicants ask the General Court (i) to declare that the European Commission unlawfully failed to include carcinogenicity and genotoxicity testing in the preclinical phase during the procedure granting the conditional marketing authorisation to mRNA-technology vaccines, (ii) to order the Commission to include such testing in past and future EMA procedures and (iii) to request the EMA to communicate certain information relating to that testing.

Operative part of the order

1. The action is dismissed as inadmissible.

2. There is no longer any need to adjudicate on the application for leave to intervene submitted by Moderna Biotech Spain SL.

3. Ms Virginie Alauzun and the other applicants whose names are included in the annex shall bear their own costs and pay those incurred by the European Commission.

4. Moderna Biotech Spain shall bear its own costs relating to the application to intervene.

(1) OJ C 2, 3.1.2022

Order of the General Court of 2 June 2022 — Tóth v Commission

(Case T-17/22) (1)

(Action for annulment — Access to documents — Regulation (EC) No 1049/2001 — OLAF investigation concerning the public lighting activities of Élios Innovatív — Application for access to the final investigation report — Implied refusal of access — Express decision to grant access adopted after the action was brought — No need to adjudicate)

(2022/C 284/57)

Language of the case: Hungarian

Parties

Applicant: Bertalan Tóth (Pécs, Hungary) (represented by: Á. Baratta and B. Czudar, lawyers)

Defendant: European Commission (represented by: B. Béres and A. Spina, acting as Agents)

Re:

By his action based on Article 263 TFEU, the applicant seeks the annulment of the implied decision of the European Anti-Fraud Office (OLAF) of 10 November 2021 by which OLAF rejected his confirmatory application for access to the document entitled 'Final OLAF Report OF/2015/0034/B4 concerning the public lighting activities of Élios Innovatív Zrt'.

Operative part of the order

1. There is no longer any need to adjudicate on the action.

2. The European Commission shall pay the costs.

(1) OJ C 84, 21.2.2022.

Order of the President of the General Court of 30 May 2022 — OT v Council

(Case T-193/22 R)

(Interim relief — Common foreign and security policy — Restrictive measures adopted in view of Russia's actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine — Freezing of funds — Application for interim measures — No prima facie case — No urgency)

(2022/C 284/58)

Language of the case: French

Parties

Applicant: OT (represented by: J.-P. Hordies and C. Sand, lawyers)

Defendant: Council of the European Union (represented by: V. Piessevaux, A. Boggio-Tomasaz and M.-C. Cadilhac, acting as Agents)

Re:

By his application based on Articles 278 and 279 TFEU, the applicant requests that the Court, inter alia, suspend the operation of Council Implementing Regulation (EU) 2022/427 of 15 March 2022 implementing Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ 2022 L 87I, p. 1), and Council Decision (CFSP) 2022/429 of 15 March 2022 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ 2022 L 87I, p. 44), in so far as those acts affect him.

Operative part of the order

1. The application for interim measures is dismissed.

2. The costs are reserved.

Order of the President of the General Court of 3 June 2022 — Mariani v Parliament

(Case T-196/22 R)

(Interim measures — Institutional law — Member of Parliament — Exclusion from taking part in election observation delegations of the Parliament — Application for suspension of operation of a measure — No urgency)

(2022/C 284/59)

Language of the case: French

Parties

Applicant: Thierry Mariani (Paris, France) (represented by: F.-P. Vos, lawyer)

Defendant: European Parliament (represented by: N. Görlitz and T. Lukácsi, acting as Agents)

Re:

By his application of 14 April 2022 based on Articles 278 and 279 TFEU, the applicant seeks suspension of operation of decision D-301939 of the co-chairs of the Democracy Support and Election Coordination Group of 3 March 2022, which excluded him from taking part in election observation delegations of the European Parliament until the end of his parliamentary mandate (2019-2024).

Operative part of the order

1. The application for interim measures is dismissed.

2. The costs are reserved.

Action brought on 16 May 2022 — Biogen Netherlands v Commission

(Case T-268/22)

(2022/C 284/60)

Language of the case: English

Parties

Applicant: Biogen Netherlands BV (Badhoevedorp, Netherlands) (represented by: C. Schoonderbeek, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul the decision of the European Commission of 13 May 2022 (C(2022)3251(final)) amending the marketing authorisation granted by decision C(2014)601(final) for 'Tecfidera — Dimethyl fumarate', a medicinal product for human use; and

— order the Commission 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 failure to observe the system of Directive 2001/83/EC [1] in relation to the rules on regulatory data protection, including Article 6(1) of that Directive, and the obligations of generic applicants under Article 10(1) of that Directive.

2. Second plea in law, alleging a failure to recognise the consequences of the opinion of the Committee for Medicinal Products for Human Use of 11 November 2021 for the question whether the marketing authorisation for the medicinal product Fumaderm was capable of commencing a global marketing authorisation for the medicinal product Tecfidera in accordance with Article 6(1), second subparagraph, of Directive 2001/83/EC.

[1] Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ 2001, L 311, p. 67).

Action brought on 16 May 2022 — Biogen Netherlands v Commission

(Case T-269/22)

(2022/C 284/61)

Language of the case: English

Parties

Applicant: Biogen Netherlands BV (Badhoevedorp, Netherlands) (represented by: C. Schoonderbeek, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul the decision C(2022)3253 (final) of the European Commission of 13 May 2022 granting marketing authorisation under Regulation (EC) No 726/2004 ([1]) for 'Dimethyl fumerate Polpharma — dimethyl fumarate', a medicinal product for human use; and

— order the Commission 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 failure to observe the system of Directive 2001/83/EC ([2]) in relation to the rules on regulatory data protection, including Article 6(1) of that Directive, and the obligations of generic applicants under Article 10(1) of that Directive.

2. Second plea in law, alleging failure to recognize the consequences of the Opinion of the Committee for Medicinal Products for Human Use of 11 November 2021 for the question whether the marketing authorisation for the medicinal product Fumaderm was capable of commencing a global marketing authorisation for the medicinal product Tecfidera in accordance with Article 6(1), second subparagraph, of Directive 2001/83/EC.

([1]) Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency (OJ 2004, L 136, p. 1).

([2]) Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ 2001, L 311, p. 67).

Action brought on 17 May 2022 — Biogen Netherlands v Commission

(Case T-278/22)

(2022/C 284/62)

Language of the case: English

Parties

Applicant: Biogen Netherlands BV (Badhoevedorp, Netherlands) (represented by: C. Schoonderbeek, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul the decision of the European Commission of 13 May 2022 C(2022) 3254 (final) granting marketing authorisation under Regulation (EC) No 726/2004 ([1]) for 'Dimethyl fumarate Neuraxpharm — dimethyl fumarate', a medicinal product for human use; and

— order the Commission 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 failure to observe the system of Directive 2001/83/EC ([2]) in relation to the rules on regulatory data protection, including Article 6(1) of that Directive, and the obligations of generic applicants under Article 10(1) of that Directive.

2. Second plea in law, alleging failure to recognize the consequences of the Opinion of the Committee for Medicinal Products for Human Use of 11 November 2021 for the question whether the marketing authorisation for the medicinal product Fumaderm was capable of commencing a global marketing authorisation for the medicinal product Tecfidera in accordance with Article 6(1), second subparagraph, of Directive 2001/83/EC.

(1) Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency (OJ 2004, L 136, p. 1).

(2) Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ 2001, L 311, p. 67).

Action brought on 17 May 2022 — Biogen Netherlands v Commission

(Case T-279/22)

(2022/C 284/63)

Language of the case: English

Parties

Applicant: Biogen Netherlands BV (Badhoevedorp, Netherlands) (represented by: C. Schoonderbeek, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul the decision of the European Commission of 13 May 2022 C(2022) 3252 (final) granting marketing authorisation under Regulation (EC) No 726/2004 (1) for 'Dimethyl fumarate Mylan — dimethyl fumarate', a medicinal product for human use; and

— order the Commission 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 failure to observe the system of Directive 2001/83/EC (2) in relation to the rules on regulatory data protection, including Article 6(1) of that Directive, and the obligations of generic applicants under Article 10(1) of that Directive.

2. Second plea in law, alleging failure to recognise the consequences of the Opinion of the Committee for Medicinal Products for Human Use of 11 November 2021 for the question whether the marketing authorisation for the medicinal product Fumaderm was capable of commencing a global marketing authorisation for the medicinal product Tecfidera in accordance with Article 6(1), second subparagraph, of Directive 2001/83/EC.

(1) Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency (OJ 2004, L 136, p. 1).

(2) Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ 2001, L 311, p. 67).

Action brought on 23 May 2022 — Sattvica v EUIPO — Herederos de Diego Armando Maradona (DIEGO MARADONA)

(Case T-299/22)

(2022/C 284/64)

Language in which the application was lodged: Spanish

Parties

Applicant: Sattvica SA (Buenos Aires, Argentina) (represented by: S. Sánchez Quiles, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other parties to the proceedings before the Board of Appeal: Herederos de Diego Armando Maradona (Buenos Aires)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Other parties to the proceedings before the Board of Appeal

Trade mark at issue: EU trade mark No 2 243 947 DIEGO MARADONA — Registration No T 019 473 761

Proceedings before EUIPO: Recordal in the files and in the Register

Contested decision: Decision of the First Board of Appeal of EUIPO of 21 March 2022 in Case R 755/2021-1

Form of order sought

The applicant claims that the Court should:

— annul the contested decision and replace it with another decision recording the transfer of trade mark No 2 243 947 DIEGO MARADONA to SATTVICA SA;

— order the defendant to pay the costs, including those incurred before the First Board of Appeal of EUIPO.

Plea in law

— Misapplication of Article 20 of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 24 May 2022 — Fun Factory v EUIPO — I Love You (love you so much)

(Case T-306/22)

(2022/C 284/65)

Language in which the application was lodged: English

Parties

Applicant: Fun Factory GmbH (Bremen, Germany) (represented by: K.-D. Franzen, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: I Love You, Inc. (Lewes, Delaware, 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 word mark love you so much — Application for registration No 18 157 726

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 22 March 2022 in Case R 1464/2021-4

Form of order sought

The applicant claims that the Court should:

— annul the contested decision and grant the applicant's appeal;

— order the other party to the proceedings before the Board of Appeal to bear the costs incurred.

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 25 May 2022 — QC and Others v EUIPO — Przedsiębiorstwo Drobiarskie Grzegorz Wyrębski (RED BRAND CHICKEN)

(Case T-312/22)

(2022/C 284/66)

Language in which the application was lodged: Polish

Parties

Applicants: QC, QD and QE (represented by: A. Suskiewicz, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Przedsiębiorstwo Drobiarskie Grzegorz Wyrębski (Wróblew, Poland)

Details of the proceedings before EUIPO

Proprietors of the trade mark at issue: Applicants

Trade mark at issue: Three-dimensional EU trade mark 'RED BRAND CHICKEN' — EU trade mark No 13 068 861

Proceedings before EUIPO: Invalidity proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 16 March 2022 in Case R 1165/2020-2

Form of order sought

The applicants claim that the Court should:

— annul the contested decision;

— order the defendant to pay the costs of the proceedings in the form of expenses necessarily incurred by the applicants for the purpose of the proceedings.

Pleas in law

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

— Plea alleging that the findings of EUIPO are inconsistent with the Polish legal order;

— Plea regarding the classification of [Przedsiębiorstwo Drobiarskie Grzegorz Wyrębski] as a 'third party' for the purposes of Article 59(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;

— Breach of the principle of the uniformity of case-law and infringement of Article 63(3) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;

— Plea alleging that an incorrect date was used when determining the date of filing of the EU trade mark at issue, that is to say, plea alleging infringement of Articles 36 and 37 of Regulation (EU) 2017/1001 of the European Parliament and of the Council;

— Plea alleging that the decision was issued to a person incorrectly designated as a party to the proceedings in view of the removal of Przedsiębiorstwo Drobiarskie Grzegorz Wyrębski from the register of economic activity on 2 January 2020.

Action brought on 27 May 2022 — QC and Others v EUIPO — Przedsiębiorstwo Drobiarskie Grzegorz Wyrębski (BLUE BRAND CHICKEN)

(Case T-316/22)

(2022/C 284/67)

Language in which the application was lodged: Polish

Parties

Applicants: QC, QD and QE (represented by: A. Suskiewicz, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Przedsiębiorstwo Drobiarskie Grzegorz Wyrębski (Wróblew, Poland)

Details of the proceedings before EUIPO

Proprietors of the trade mark at issue: Applicants

Trade mark at issue: Three-dimensional EU trade mark 'BLUE BRAND CHICKEN' — EU trade mark No 13 071 378

Proceedings before EUIPO: Invalidity proceedings

Contested decision: Decision of the Second Board of Appeal of EUIPO of 24 March 2022 in Case R 1166/2020-2

Form of order sought

The applicants claim that the Court should:

— annul the contested decision;

— order the defendant to pay the costs of the proceedings in the form of expenses necessarily incurred by the applicants for the purpose of the proceedings.

Pleas in law

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

— Plea alleging that the findings of EUIPO are inconsistent with the Polish legal order;

— Plea regarding the classification of [Przedsiębiorstwo Drobiarskie Grzegorz Wyrębski] as a 'third party' for the purposes of Article 59(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;

— Breach of the principle of the uniformity of case-law and infringement of Article 63(3) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;

— Plea alleging that an incorrect date was used when determining the date of filing of the EU trade mark at issue, that is to say, plea alleging infringement of Articles 36 and 37 of Regulation (EU) 2017/1001 of the European Parliament and of the Council;

— Plea alleging that the decision was issued to a person incorrectly designated as a party to the proceedings in view of the removal of Przedsiębiorstwo Drobiarskie Grzegorz Wyrębski from the register of economic activity on 2 January 2020.

Action brought on 30 May 2022 — PF v Parliament

(Case T-317/22)

(2022/C 284/68)

Language of the case: French

Parties

Applicant: PF (represented by: L. Levi and P. Baudoux, lawyers)

Defendant: European Parliament

Form of order sought

The applicant claims that the Court should:

— declare the present action admissible and well founded;

and consequently,

— annul the decision of 18 February 2022 rejecting the applicant's request for review of the decision of the selection board for competition PE/AD/260/2021 of 20 December 2021 not to admit her to the oral tests and, in so far as necessary, annul the decision of 20 December 2021;

— 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 breach of the obligation to state reasons.

2. Second plea in law, alleging breach of the rules governing the proceedings of the selection board and the principles of impartiality and non-discrimination.

Action brought on 24 May 2022 — Scania CV v EUIPO (V8)

(Case T-320/22)

(2022/C 284/69)

Language of the case: Swedish

Parties

Applicant: Scania CV AB (Södertälje, Sweden) (represented by: C. Langenius, P. Sundin and S. Falkner, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: EU figurative mark V8 — Application No 18 120 085

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 23 March 2022 in Case R 1868/2020-4

Form of order sought

The applicant claims that the Court should:

— annul the contested decision pursuant to Article 72 of the EU Trade Mark Regulation and, by amending EUIPO's decision, approve Scania's application for registration of the figurative mark for all the goods and services for which EUIPO rejected the application;

— order EUIPO to pay the costs pursuant to Article 134 of the Rules of Procedure of the General Court.

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(3) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 30 May 2022 — Unsa Énergie v Commission

(Case T-322/22)

(2022/C 284/70)

Language of the case: French

Parties

Applicant: Unsa Énergie (Bagnolet, France) (represented by: M.-P. Ogel, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul the letter of the European Commission COMP B.2/NP/mm *comp(2022)2975325 of 8 April 2022, by which the Commission rejects the complaint as inadmissible,

— order the Commission 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 infringement of Article 1(h) of Regulation 2015/1589, ([1]) on the ground that the Commission misconstrued the concept of interested party. The applicant submits that the Commission disregards the case-law according to which a trade union could be categorised as having the status of interested party where it is shown that that trade union's interests might be affected by the granting of State aid.

2. Second plea in law, alleging infringement of Article 24 of Regulation 2015/1589 and Article 47 of the Charter of Fundamental Rights of the European Union. According to the applicant, the Commission failed to examine its complaint or request it to provide details as regards that complaint, in breach of Article 24 of Regulation 2015/1589 which confers various rights on interested parties.

([1]) Council Regulation (EU) 2015/1589 of 13 July 2015 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union (OJ 2015 L 248, p. 9).

Action brought on 27 May 2022 — Ecoalf Recycled Fabrics v EUIPO (BECAUSE THERE IS NO PLANET B)

(Case T-324/22)

(2022/C 284/71)

Language of the case: Spanish

Parties

Applicant: Ecoalf Recycled Fabrics, SL (Madrid, Spain) (represented by: D. Gómez Sánchez and J. Gracia Albero, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: Application for European Union word mark BECAUSE THERE IS NO PLANET B — Application for registration No 18 354 287

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 29 March 2022 in Case R 1925/2021-5

Form of order sought

The applicant claims that the Court should:

— annul the contested decision and order the continuation of the processing of EU trademark No 18 354 287 BECAUSE THERE IS NO PLANET B applied for in order to distinguish goods in Classes 3, 16, 18 and 21; and

— order the defendant to pay the costs of the present proceedings, including the costs of the appeal before EUIPO.

Pleas in law

— Infringement of Article 7(1)(b) and (2) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;

— Infringement of the general principles of EU law: equal treatment and good administration.

Action brought on 30 May 2022 — Nurel v EUIPO — FKuR Property (Terylene)

(Case T-325/22)

(2022/C 284/72)

Language in which the application was lodged: English

Parties

Applicant: Nurel, SA (Zaragoza, Spain) (represented by: M. Anadón Giménez and J. Learte Álvarez, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: FKuR Property GmbH (Willich, Germany)

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 Terylene — Application for registration No 18 088 348

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 30 March 2022 in Case R 1544/2021-4

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— order EUIPO to pay the costs, including the costs incurred in the appeal proceedings.

Pleas in law

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

— The proof of use submitted by the opponent during the appeal proceedings should have never been admitted, and therefore, the contested decision should have considered only the proof of use submitted during oppositions proceedings;

— The proof of use submitted by the opponent is not sufficient to prove genuine use for all the earlier goods 'unprocessed plastics' in Class 1 on which the opposition is based, and therefore, the opposition should have been rejected.

Action brought on 31 May 2022 — PS v EEAS

(Case T-327/22)

(2022/C 284/73)

Language of the case: English

Parties

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

Defendant: European External Action Service

Form of order sought

The applicant claims that the Court should:

— annul the decision of the Defendant dated 23/07/2021 establishing an addendum of the Applicant's contract and whereby his place of assignment was modified from Washington to Brussels as of 01/09/2021 and, in as far as necessary, annul the decision of the Defendant, dated 22/02/2022, rejecting the Applicant's complaint filed on 20/10/2021, under Article 90(2) of the EU Staff Regulations;

— order the reimbursement of all the costs incurred by his lawyers for the present appeal.

Pleas in law and main arguments

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

— First plea in law, alleging a breach of the principle of the interest of the service.

— Second plea in law, alleging a breach of the principle of assignment to an equivalent post.

Action brought on 7 June 2022 — Khudaverdyan v Council

(Case T-335/22)

(2022/C 284/74)

Language of the case: French

Parties

Applicant: Tigran Khudaverdyan (Moscow, Russia) (represented by: F. Bélot, lawyer)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

— annul Council Decision (CFSP) 2022/429 ([1]) of 15 March 2022, in so far as it includes the applicant's name on the list in Annex I to Decision (CFSP) 2014/145 of 17 March 2014;

— annul Council Implementing Regulation (EU) 2022/427 ([2]) of 15 March 2022, in so far as it includes the applicant's name on the list in Annex I to Regulation 269/2014 of 17 March 2014;

— order the Council to pay the costs.

Pleas in law and main arguments

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

1. First plea, alleging infringement of the right to effective judicial protection and the obligation to give reasons. The applicant claims, first, that the Council does not cite individual, specific and concrete reasons capable of sufficiently indicating to him whether the restrictive measures taken against him are well founded. He takes the view that the contested acts rest on an unsound factual basis and on grounds that are unsubstantiated and plausible only in the abstract. The applicant then takes the view that the Council is requiring him to prove that there is no general case against him, implying a reversal of the burden of proof, which is contrary to the most fundamental rights of the defence. Finally, the applicant claims that the grounds alleged are insufficient and that there is a lack of credible and substantial evidence to support them and that that precludes adequate review by the courts of the legality of his inclusion and retention on the lists of persons subject to the restrictive measures at issue.

2. Second plea, alleging manifest error of assessment, on the ground that the applicant does not support the actions of the Government of the Russian Federation concerning interventions in Ukraine. The applicant also argues that the company Yandex is not a 'key element in hiding information from Russians about the war in Ukraine' or 'a substantial source of revenue to the Government of the Russian Federation'.

3. Third plea, alleging infringement of the principles of proportionality and equal treatment. The applicant takes the view that the grounds said to justify the restrictive measures taken against him are discriminatory and disproportionate in view of the objective pursued by the Council.

4. Fourth plea, alleging infringement of the applicant's fundamental rights, namely the right to respect for property, the right to respect for private and family life, the freedom to conduct a business and the right to be presumed innocent.

([1]) Council Decision (CFSP) 2022/429 of 15 March 2022 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ 2022 L 87 I, p. 44).

([2]) Council Implementing Regulation (EU) 2022/427 of 15 March 2022 implementing Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine (OJ 2022, L 87 I, p. 1).

Action brought on 7 June 2022 — PN v Court of Justice of the European Union

(Case T-336/22)

(2022/C 284/75)

Language of the case: French

Parties

Applicant: PN (represented by: D. Giabbani, lawyer)

Defendant: Court of Justice of the European Union

Form of order sought

The applicants claim that the Court should:

— accept the present application as formally correct;

— find it materially justified and well-founded;

— by way of variation, declare that the assessment in the 2019 staff appraisal procedure be maintained, namely B in Ability, C in Efficiency and B in Conduct in the service;

— or, in the alternative, declare the 2019 appraisal procedure to be void.

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 failure to give adequate reasons for the assessment of the applicant under each category.

2. Second plea in law, alleging infringement of the objective and spirit of the text of the General instructions on the preparation of staff reports.

Action brought on 7 June 2022 — Chocolates Lacasa Internacional v EUIPO — Esquitino Madrid (Conguitos)

(Case T-339/22)

(2022/C 284/76)

Language in which the application was lodged: Spanish

Parties

Applicant: Chocolates Lacasa Internacional, SA (Utebo, Spain) (represented by: J.-B. Devaureix and J. Vicente Martínez, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Mariano Esquitino Madrid (Elche, 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: Figurative mark Conguitos — EU trade mark No 10 546 836

Proceedings before EUIPO: Invalidity proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 21 March 2022 in Case R 601/2021-5

Form of order sought

The applicant claims that the Court should:

— annul and declare inapplicable the contested decision, upholding in full the application for a declaration of invalidity of EU trade mark No 10 546 836 Conguitos (figurative), Classes 3, 14 and 18;

— order the defendant and EUIPO to pay the costs.

Pleas in law

Infringement of Article 53(1)(a), in conjunction with Article 8(5) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Infringement of Article 53(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

Action brought on 8 June 2022 — Etablissements Nicolas v EUIPO — St. Nicolaus (NICOLAS)

(Case T-340/22)

(2022/C 284/77)

Language in which the application was lodged: French

Parties

Applicant: Etablissements Nicolas (Thiais, France) (represented by: T. de Haan, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: St. Nicolaus a.s. (Liptovský Mikuláš, Slovakia)

Details of the proceedings before EUIPO

Applicant for the trade mark at issue: Applicant

Trade mark at issue: International registration designating the European Union in respect of the figurative mark NICOLAS — International registration designating the European Union No 1 228 435

Proceedings before EUIPO: Opposition proceedings

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 28 March 2022 in Case R 1780/2020-4

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— order EUIPO and the intervener to pay the costs, including the costs incurred by the applicant in the course of proceedings before the Fourth Board of Appeal of EUIPO.

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 9 June 2022 — Oxyzoglou v Commission

(Case T-342/22)

(2022/C 284/78)

Language of the case: French

Parties

Applicant: Despina Oxyzoglou (Brussels, Belgium) (represented by: D. Grisay and A. Ansay, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the General Court should:

— admit the present application for annulment/seeking to establish non-contractual liability;

— declare the action admissible and, consequently;

— primarily

  — declare that the action for annulment is admissible in the light of the fact that a document establishing the applicant's right to repayment — a document that was capable of adversely affecting her — was not sent;

  — annul the decision of the Commission of 11 March 2022;

  — refer the case back to the appointing authority for a determination of the amount to be repaid to the applicant;

— in the alternative

  — declare that the claim for compensation based on unjust enrichment is well founded;

  — order the Commission to compensate the applicant for the financial harm she has suffered, evaluated on the day the present application was lodged in the principal amount of EUR 30 439,50;

— in the final alternative

  — request that the Commission set out its calculation method and apply that method to the present situation;

— order the Commission to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging unlawfulness of Article 77(1) and Article 11(2) of Annex VIII to the Staff Regulations of Officials of the European Union ('the Staff Regulations'). The applicant claims, in support of the unlawfulness of the provisions referred to above, that an official or member of the temporary staff should be able to make an informed decision on the transfer of his or her national pension rights to the European system when he or she draws his or her pension, not before. However, the application of the current rule entails a difference in treatment compared with that of an official who either has spent his or her entire career within the European system or took up his or her duties within the EU institutions without transferring pension rights previously acquired within the pension system of a Member State. The applicant therefore takes the view that there is an infringement of the principle of non-discrimination which leads to the unlawfulness of the contested provisions.

2. Second plea in law, alleging breach of the duty to provide assistance and of the duty to have regard for the welfare of officials covered by Article 24 of the Staff Regulations. The applicant submits that, on transferring her pension rights, she did not receive any table stating that she was entitled to the repayment of the nominal capital value of the contributions paid into her original national scheme and not accounted for in the EU pension system.

3. Third plea in law, alleging infringement of the principle of equal treatment and non-discrimination. According to the applicant, the fact that certain officials are reimbursed when their pension rights are transferred and others are not constitutes an infringement of the principle of equal treatment and unjustified discrimination.

4. Fourth plea in law, alleging existence of unjust enrichment to the applicant's detriment. The applicant claims that, when her national rights were transferred to the pension regime of the EU institutions, no reimbursement of the excess, corresponding to the capital value that was not taken into account in calculating her grant of additional seniority, was made.

Action brought on 9 June 2022 — Mozelsio v Commission

(Case T-343/22)

(2022/C 284/79)

Language of the case: French

Parties

Applicant: Muriel Mozelsio (Enghien, Belgium) (represented by: D. Grisay and A. Ansay, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the General Court should:

— admit the present application for annulment/seeking to establish non-contractual liability/for an incidental assessment of validity;

— declare the action admissible and, consequently;

— primarily

  — declare that the action for annulment is admissible in the light of the fact that a document establishing the applicant's right to repayment — a document that was capable of adversely affecting her — was not sent;

  — annul the decision of the Commission of 11 March 2022;

  — refer the case back to the appointing authority for a determination of the amount to be repaid to the applicant;

— in the alternative

  — declare that the claim for compensation based on unjust enrichment is well founded;

  — order the Commission to compensate the applicant for the financial harm she has suffered, evaluated on the day the present application was lodged in the principal amount of EUR 15 051,38;

— in the final alternative

  — request that the Commission set out its calculation method and apply that method to the present situation;

— order the Commission to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging unlawfulness of Article 77(1) and Article 11(2) of Annex VIII to the Staff Regulations of Officials of the European Union ('the Staff Regulations'). The applicant claims, in support of the unlawfulness of the provisions referred to above, that an official or member of the temporary staff should be able to make an informed decision on the transfer of his or her national pension rights to the European system when he or she draws his or her pension, not before. However, the application of the current rule entails a difference in treatment compared with that of an official who either has spent his or her entire career within the European system or took up his or her duties within the EU institutions without transferring pension rights previously acquired within the pension system of a Member State. The applicant therefore takes the view that there is an infringement of the principle of non-discrimination which leads to the unlawfulness of the contested provisions.

2. Second plea in law, alleging breach of the duty to provide assistance and of the duty to have regard for the welfare of officials covered by Article 24 of the Staff Regulations. The applicant submits that, on transferring her pension rights, she did not receive any table stating that she was entitled to the repayment of the nominal capital value of the contributions paid into her original national scheme and not accounted for in the EU pension system.

3. Third plea in law, alleging infringement of the principle of equal treatment and non-discrimination. According to the applicant, the fact that certain officials are reimbursed when their pension rights are transferred and others are not constitutes an infringement of the principle of equal treatment and unjustified discrimination.

4. Fourth plea in law, alleging existence of unjust enrichment to the applicant's detriment. The applicant claims that, when her national rights were transferred to the pension regime of the EU institutions, no reimbursement of the excess, corresponding to the capital value that was not taken into account in calculating her grant of additional seniority, was made.

Action brought on 10 June 2022 — Hacker-Pschorr Bräu v EUIPO — Vandělíková (HACKER SPACE)

(Case T-349/22)

(2022/C 284/80)

Language in which the application was lodged: English

Parties

Applicant: Hacker-Pschorr Bräu GmbH (Munich, Germany) (represented by: C. Tenkhoff and T. Herzog, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Jana Vandělíková (Prague, Czech Republic)

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 HACKER SPACE — Application for registration No 18 144 157

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the First Board of Appeal of EUIPO of 1 April 2022 in Case R 1268/2021-1

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— order EUIPO to pay the costs of the proceedings.

Pleas in law

— Infringement of Article 47(5) and Article 46 in conjunction with Article 8(1) of Regulation (EU) 2017/1001 of the European Parliament;

— Infringement of Articles 2(c) and 7(1) of Commission delegated Regulation (EU) 2018/625;

— Infringement of the principle of equal treatment and sound administration, including the principle of procedural economy, Article 41(2) of the Charter of Fundamental Rights of the European Union.

Order of the General Court of 20 May 2022 — NJ v Commission

(Case T-693/21) ([1])

(2022/C 284/81)

Language of the case: English

The President of the First Chamber has ordered that the case be removed from the register.

([1]) OJ C 37, 24.1.2022.

Order of the General Court of 1 June 2022 — NQ v Council and Others

(Case T-803/21) ([1])

(2022/C 284/82)

Language of the case: Portuguese

The President of the Seventh Chamber has ordered that the case be removed from the register.

([1]) OJ C 109, 7.3.2022.

Order of the General Court of 18 May 2022 — OF v Commission

(Case T-80/22) ([1])

(2022/C 284/83)

Language of the case: French

The President of the First Chamber has ordered that the case be removed from the register.

([1]) OJ C 138, 28.3.2022.

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