

Judgment of the General Court of 21 December 2021 — HB v Commission(Case T-796/19) ⁽¹⁾

(Public service contracts — Provision of technical assistance services to the Ukrainian authorities — Decision to reduce the amount of the contract and to recover the amounts already paid — Action for annulment and for damages — Act forming part of a purely contractual framework from which it is inseparable — No arbitration clause — Inadmissibility — No heads of damage that are separable from the contract)

(2022/C 95/35)

Language of the case: French

Parties

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

Defendant: European Commission (represented by: J. Baquero Cruz, J. Estrada de Solà and A. Katsimerou, acting as Agents)

Re:

- (i) Application under Article 263 TFEU seeking annulment of Commission Decision C(2019) 7318 final of 15 October 2019 to reduce the amounts due under contract TACIS/2006/101-510 and to recover the amounts unduly paid and (ii) application under the second paragraph of Article 340 TFEU seeking, first, reimbursement of any amounts recovered by the Commission on the basis of that decision, together with late-payment interest, and second, symbolic compensation for the non-material harm allegedly suffered by the applicant.

Operative part of the judgment

The Court:

1. Dismisses the action as inadmissible, in so far as it seeks annulment of Commission Decision C(2019) 7318 final of 15 October 2019 to reduce the amounts due under contract TACIS/2006/101-510 and to recover the amounts unduly paid;
2. Dismisses the action as unfounded, in so far as it seeks to establish non-contractual liability on the part of the European Union;
3. Orders the European Commission to pay the costs, including those relating to the interim proceedings.

⁽¹⁾ OJ C 10, 13.1.2020.

Judgment of the General Court of 21 December 2021 — Worldwide Spirits Supply v EUIPO — Melfinco (CLEOPATRA QUEEN)(Case T-870/19) ⁽¹⁾

(EU trade mark — Invalidity proceedings — EU figurative mark CLEOPATRA QUEEN — Earlier national word mark CLEOPATRA MELFINCO — Articles 15 and 57 of Regulation (EC) No 207/2009 (now Articles 18 and 64 of Regulation (EU) 2017/1001) — Proof of genuine use of the earlier mark — Declaration of invalidity)

(2022/C 95/36)

Language of the case: English

Parties

Applicant: Worldwide Spirits Supply, Inc. (Tortola, British Virgin Islands) (represented by: S. Demetriou, lawyer)

Defendant: European Union Intellectual Property Office (represented by: A. Folliard-Monguiral and V. Ruzek, acting as Agents)