

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- reject the opposition of Capri Sun AG;
- order EUIPO to pay the costs.

Plea in law

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

Action brought on 11 July 2023 — Ausnit, Olariu și Asociații v Commission**(Case T-397/23)**

(2023/C 304/38)

*Language of the case: Romanian***Parties**

Applicant: Ausnit, Olariu și Asociații SRL (Lugoj, Romania) (represented by: F. Irimia, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul European Commission Decision C(2023) 3232 final of 10 May 2023.

Pleas in law and main arguments

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

1. The decision has no legal basis, having been adopted on the basis of an erroneous interpretation and application of the provisions of Article II.19.1.(f) of the grant agreement, in conjunction with Article 30 of Regulation No 966/2012 applicable to the agreement in accordance with Article 279(3) of Regulation No 1046/2018.
2. The contested decision was adopted in breach of the principle of proportionality enshrined in Article 135 of Regulation No 966/2012, following the provisions of Article II.27.6 of the grant agreement, in breach of Article II.25.4 of that agreement and in breach of Article 5 TFEU and the provisions of Additional Protocol No 2.
3. The contested decision is contrary to the principle of the protection of legitimate expectations.

Order of the General Court of 12 July 2023 — LG and Others v Commission**(Case T-730/22) ⁽¹⁾**

(2023/C 304/39)

Language of the case: English

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

⁽¹⁾ OJ C 35, 30.1.2023.
