

4. Fourth plea in law, alleging lack of a quiet environment during the assessment interviews and infringement of the right to be heard and of Article 6.2 of the internal rules on staff reports, in so far as the interview with the first reporting officer and, in particular, the interview with the last reporting officer did not take place in a quiet environment as required by Article 6.2 of the internal rules and did not allow the applicant to present effectively his observations on the negative remarks in his staff report. The report also remained largely unchanged after those interviews.
5. Fifth plea in law, alleging failure to observe the principles of objectivity and impartiality; harassment; infringement of Article 41(1) of the Charter of Fundamental Rights of the European Union; failure to observe the principle that an employer owes a duty of care to his employees; and misuse of power. In that regard, the applicant considers that the lack of sufficient, relevant and well-founded justification for the negative comments or comments with negative connotations in his 2016 staff report leads the applicant to take the view that the report is unfair and is marked by a patent lack of objectivity and impartiality, coming down, rather, to a settling of scores by the final reporting officer, with the help of the first reporting officer. Each element of the assessment was rated lower than in earlier years, particularly 2015, for no reason. It contained nothing positive. Most of the results achieved by the applicant in 2016 were ignored; all the work completed was denied. The report is marked by misuse of power since it had the sole objective of harming the applicant by presenting a truncated version of the reality of his performance, protected, apparently, by the broad discretion given to the reporting officers. This abusive approach, consisting in misusing the appraisal system under the pretext of broad discretion, makes it difficult for the applicant to defend himself since he finds himself apparently faced with value judgments with limited mechanisms for review. Lastly, the defendant failed to comply with its duty of care since the applicant's interests were manifestly not taken into consideration.

Action brought on 8 January 2020 — Dr. Spiller v EUIPO — Rausch (Alpenrausch Dr. Spiller)

(Case T-6/20)

(2020/C 68/65)

Language in which the application was lodged: German

Parties

Applicant: Dr. Spiller GmbH (Siegsdorf, Germany) (represented by: J. Stock and M. Geitz, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Rausch AG Kreuzlingen (Kreuzlingen, Switzerland)

Details of the proceedings before EUIPO

Applicant for the trade mark at issue: Applicant

Trade mark at issue: Application for EU word mark Alpenrausch Dr. Spiller — Application for registration No 11 091 204

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the First Board of Appeal of EUIPO of 8 October 2019 in Case R 2206/2015-1

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs.

Plea in law

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

Action brought on 8 January 2020 — Italy v Commission

(Case T-10/20)

(2020/C 68/66)

Language of the case: Italian

Parties

Applicant: Italian Republic (represented by: G. Palmieri, acting as Agent, and G. Rocchitta, C. Gerardis and E. Feola, avvocati dello Stato)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul Commission Implementing Decision C(2019)7815 of 30 October 2019, in so far as it applies, in respect of Italy, financial corrections relating to Audit Surveys AA/2016/012, AA/2016/003, AA/2016/015/IT, FV/2016/002/IT and RD1/2016/803/IT;
- in the alternative, annul that decision, in so far as it applies the flat-rate correction of EUR 143 924 279,14, relating to the 2015 and 2016 financial years (Surveys AA/2016/012, AA/2016/003 and AA/2016/015/IT), instead of the one-off correction fixed by the [Agenzia per le Erogazioni in Agricoltura (Italian Agricultural Payments Authority) (AGEA)] at EUR 64 860 193,65;
- in any event, order the Commission to pay the costs.

Pleas in law and main arguments

Italy challenges the decision forming the subject matter of the action, in so far as that decision has provided, in respect of Italy, for financial corrections under the European Agricultural Guarantee Fund (EAGF) and the European Agricultural Fund for Rural Development (EAFRD).

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

- (a) Pleas in law concerning the correction resulting from Surveys AA/2016/012, AA/2016/003 and AA/2016/015 IT, relating to area-linked aid:
 1. First plea in law, alleging infringement of Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009, ⁽¹⁾ with regard to the definition of ‘permanent grassland’ adopted at national level pursuant to [Decree No 6513 of the Italian Minister for Agricultural, Food and Forestry Policy] of 18 November 2014.