

Pleas in law and main arguments

The applicant contests before the General Court the notices of open competitions EPSO/AD/323/16 and EPSO/AD/324/16 to draw up reserve lists with, respectively, 40 places to fill vacant Administrator posts (AD 7) for the profile — Investigators: EU expenditure, anti-corruption, customs and trade, tobacco and counterfeit goods; and 10 places for Administrator posts (AD 9) for the profile — Investigators: Team leaders, published in the *Official Journal of the European Union* of 26 May 2016, No C 187 A.

The same competition notices are the subject of Case T-401/16, *Spain v Commission*.

The pleas in law and the main arguments are similar to those relied on in that case.

The applicant alleges, in particular, infringement of Articles 18 TFEU, 24 TFEU, and 342 TFEU, and of Article 22 of the Charter of Fundamental Rights of the European Union, infringement of the Staff Regulations, of the principle of protection of legitimate expectations, of the principle of proportionality and of the substantive rules inherent in the nature and purpose of notices of competition, misuse of powers and infringement of Articles 1 and 6 of Regulation 1/58.

Appeal brought on 10 August 2016 by CC against the judgment of the Civil Service Tribunal of 21 July 2016 in Case F-9/12 RENV, CC v Parliament

(Case T-446/16 P)

(2016/C 371/24)

Language of the case: French

Parties

Appellant: CC (Bridel, Luxembourg) (represented by G. Maximini, lawyer)

Other party to the proceedings: European Parliament

Form of order sought by the appellant

The appellant claims that the General Court should:

- declare the appeal admissible and well-founded;
- accordingly, set aside the judgment of the Civil Service Tribunal of 21 July 2016 in Case F-9/12 RENV (CC v *European Parliament*), with the exception of paragraph 3 of the operative part relating to the costs;
- accordingly, recognise the non-contractual liability of the European Parliament for the errors committed in the management of the appellant's reserve list and the obligation to pay compensation for the loss suffered as a result;
- accordingly, rule in accordance with the forms of order sought by the appellant in her application at first instance,
- consequently, order:
 - The judgment of the Civil Service Tribunal of 21 July 2016 in Case F-9/12 RENV (CC v *European Parliament*) is set aside with the exception of paragraph 3 of the operative part relating to the costs.
 - The European Parliament is ordered to pay the appellant the sum of EUR 749 449,03 by way of compensation for material loss, evaluated for the period from December 2003 to December 2011, plus pensions funds, and for the subsequent period until the legal retirement age, at the monthly net payment amounts corresponding to the salaries fixed for officials in function group AD from grade AD 9 step 2, second year, taking account of the normal career of an official of that grade, supplemented by the corresponding contributions to the sickness fund, all to be increased by late-payment interest at the rate of the European Central Bank plus two points.

- In addition, the European Parliament is ordered to pay the appellant the sum of EUR 70 000 by way of compensation for non-material loss.
- The European Parliament shall bear its own costs and is ordered to pay all the costs incurred by the appellant in the present proceedings.

Pleas in law and main arguments

In support of the appeal, the appellant relies on six grounds.

1. First ground, alleging an error of law based on the plea of inadmissibility of further offers of evidence;
 - distortion of the facts, failure to give reasons, breach of the requirement of impartiality and of the right to a fair trial (second paragraph of Article 47 of the Charter of Fundamental Rights of the European Union), infringement of the principle *nemo potest venire contra factum proprium* and distortion of the facts on the so-called late presentation of further offers of evidence;
 - failure to acknowledge the breach of the obligation of transparency and of sincere cooperation of the Parliament towards the General Court;
 - manifest error of assessment of the change of numbering of the reserve list from EUR/A/151/98 to EUR/A/151.
2. Second ground, alleging an error of law in the absence of legal classification of and reasons for the decision of the Secretary-General of 19 May 2005 and failure to comply with the annulling judgment of the General Court of the European Union;
 - absence of legal classification of the decision of the Secretary-General of 19 May 2005;
 - failure to comply with annulling judgment T-457/13 P.
3. Third ground, alleging distortion of the facts as to the mail of EPSO.
4. Fourth ground, alleging distortion of the content of the letter of 15 October 2007 of the Parliament in relation to the allegation that the appellant was informed as to the destruction of her competition file.
5. Fifth ground, alleging an error of law as regards the legal classification of the decision of the President of the European Parliament of 25 February 2003.
6. Sixth ground, alleging failure to comply with the annulling judgment in relation to the calculation of loss.

Action brought on 10 August 2016 — Ellinikos Syndemos Epicheiriseon gia ti Diacheirisi ton Diethnon Prototypon GS1 v EUIPO — 520 Barcode Ellas (520Barcode Hellas)

(Case T-453/16)

(2016/C 371/25)

Language in which the application was lodged: English

Parties

Applicant: Ellinikos Syndemos Epicheiriseon gia ti Diacheirisi ton Diethnon Prototypon GS1 (Argiroupoli Attikis, Greece) (represented by: A. Mouzaki, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: 520 Barcode Ellas — AE Diacheirisis Diethnon Prototypon kai Parochis Symvouleutikon Ypiresion (Kifisia Attikis, Greece)