

Form of order sought

The applicant claims that the Court should:

- order, as a preliminary matter, that the minutes of the meeting of 17 March 2016 be produced to the Court;
- annul the contested decisions of 22 April 2016 and of 18 May 2016;
- order Eurojust to pay damages for the harm suffered by QE, estimated, subject to upward or downward revision in the course of the proceedings, at EUR 20 000 (twenty thousand euros), plus interest from 8 July 2016 when the complaint was lodged, as calculated on the basis of the rate applicable during the relevant period set by the European Central Bank for its main refinancing operations, increased by two points;
- order Eurojust to pay all of the costs.

Pleas in law and main arguments

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

1. First plea: absence of a legal basis, infringement of the right to be heard and infringement of the principle of proportionality such as to vitiate the decision of 22 April 2016.
2. Second plea: infringement of Article 23(2) of Annex IX to the Staff Regulations of Officials of the European Union, a manifest error of assessment and infringements of the principle of proportionality and of the duty to have regard to the welfare of officials such as to vitiate the decision of 18 May 2016.
3. Third plea: misuse of powers and conflict of interest such as to vitiate the two contested decisions.

Action brought on 05 December 2016 — Barata v Parliament

(Case T-854/16)

(2017/C 038/58)

Language of the case: English

Parties

Applicant: Joao Miguel Barata (Evere, Belgium) (represented by: G. Pandey, D. Rovetta, lawyers, and J. Grayston, solicitor)

Defendant: European Parliament

Form of order sought

The applicant claims that the Court should:

- as a preliminary matter, where appropriate, declare Article 90 of the Staff Regulations invalid and inapplicable in the present proceedings under Article 277 of the Treaty on the Functioning of the European Union;
- annul the collectively contested decision, namely the decision of the Directorate for Human Resources Development of 29 January 2016, not to insert the applicant's name among the list of the selected candidates and the decision of 25 August 2016 rejecting the Article 90 Staff Regulations appeal;
- annul the internal notice of competition 2015/023 circulated among the staff on 18 September 2015;
- annul in its entirety the draft list of officials selected to take part in the aforesaid training program;
- order the defendant to bear the applicant's costs.

Pleas in law and main arguments

In support of the action, the applicant relies on five pleas in law concerning infringement of the Staff Regulations, essential procedural requirements, as well infringement of the EU Treaties and of general principles of EU Law:

1. First plea in law, alleging manifest error of assessment.
2. Second plea in law, alleging breach of the effective judicial protection principle, breach of Article 41 of the Charter of Fundamental Rights of the European Union and plea of illegality and inapplicability under Article 277 of the Treaty on the Functioning of the European Union related to the illegality and inapplicability of Article 90 of the Staff Regulations.
3. Third plea in law, alleging breach of the duty of sound and good administration.
4. Fourth plea in law, alleging breach of the proportionality principle and discrimination.
5. Fifth plea in law, alleging breach of the applicant's legitimate expectations and of the principle of equality.

Action brought on 5 December 2016 — Erdinger Weißbräu Werner Brombach v EUIPO (Shape of a large glass)

(Case T-857/16)

(2017/C 038/59)

Language of the case: German

Parties

Applicant: Erdinger Weißbräu Werner Brombach GmbH & Co. KG (Erding, Germany) (represented by: A. Hayn, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: International registration designating the European Union in respect of the three-dimensional mark 'Shape of a large glass' — Application for registration No 1 242 704

Contested decision: Decision of the Second Board of Appeal of EUIPO of 20 September 2016 in Case R 659/2016-2

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs, including those incurred in the appeal proceedings;
- hold a hearing.

Plea in law

- Infringement of Article 7(1)(b) of Regulation No 207/2009.
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