

8. Eighth plea in law, alleging that the contested decision is vitiated by an error of law, in that it attributed the practices of traders to the applicants.
9. Ninth plea in law, alleging that the Commission imposed a fine in breach of the principle of equal treatment, the principle of sound administration, its obligation to state reasons, the rights of the defence and the principle of proportionality.
10. Tenth plea in law, claiming that the General Court should reduce the amount of the fine, which is disproportionate having regard to the seriousness and duration of the practices.

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**Action brought on 25 April 2017 — SC v Eulex Kosovo**

**(Case T-242/17)**

(2017/C 231/35)

*Language of the case: English*

**Parties**

*Applicant:* SC (represented by: L. Moro, lawyer and A. Kunst, lawyer)

*Defendant:* Eulex Kosovo

**Form of order sought**

The applicant claims that the Court should:

- Declare that the defendant infringed its contractual and non-contractual obligations towards the applicant;
- Declare that the 2016 internal competition was unlawful and therefore the applicant's contract has been unlawfully not renewed;
- Order that the applicant be compensated for the losses suffered due to the unlawful non-renewal of her contract in the amount of 19 months' gross salary plus daily allowances' adjustments and salary increment as per 'Remuneration of International Staff Contracted' and 'Indicative Level of Allowances';
- Order that the applicant be compensated for moral damages suffered as a consequence of the defendant's unlawful acts and decisions;
- Order the defendant to bear all the costs.

**Pleas in law and main arguments**

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

1. First plea in law, alleging infringement of paragraphs 4 and 6 of the SOP on Reconfiguration, outlining, respectively, the principles and the role and responsibilities of the Head, HRO, and of paragraphs 5 (Principles) and 7 (Selections), in particular of paragraphs 7.1 (a) and (b), 7.2 (c),(f) and (k) and 7.3 (c) of SOP on Staff Selection (infringements of a contractual nature).
2. Second plea in law, alleging infringement of paragraphs 7.2 (f) and 7.3 (c) of SOP on Staff Selection and of Article. 3.2 of the defendant' Code of Conduct, of the contractual principles of fairness and good faith (infringements of a contractual nature) and of the applicant's right to sound administration pursuant to Article 41 of the EU Charter (infringement of a non-contractual nature).
3. Third plea in law, alleging infringement of principle of impartiality and the applicant's right of sound administration.
4. Fourth plea in law, alleging infringement of the Applicant's right to fair and just working conditions (Article 31 EU Charter), of the Decision Memorandum dated 26 January 2011 (Proposal for introduction of assessment driving skills) and the requirements set out in the 2014 calls for contributions, as well as of the right to sound administration.

5. Fifth plea in law, alleging infringement of the right to fair and just working conditions (Art. 31 of the Charter).

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**Action brought on 26 April 2017 — António Conde & Companhia v Commission**

**(Case T-244/17)**

(2017/C 231/36)

*Language of the case: English*

**Parties**

*Applicant:* António Conde & Companhia, SA (Gafanha de Nazaré, Portugal) (represented by: J. García-Gallardo Gil-Fournier, lawyer)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- Declare that the European Commission has failed to act in application of Article 14(1) of Council Regulation (EC) No 1386/2007 of 22 October 2007 laying down conservation and enforcement measures applicable in the Regulatory Area of the Northwest Atlantic Fisheries Organisation (OJ 2007 L 318, p. 1) by requesting Portugal to submit to it a list of Portuguese-flagged vessels authorised to fish in the NAFO Regulatory Area for the season 2017 which excludes the fishing vessel CALVÃO, with the consequence that it has failed to forward a list including that vessel to the NAFO Secretariat;
- Order the European Commission to pay the costs.

**Pleas in law and main arguments**

In support of the action, the applicant relies on a single plea in law, alleging that the Commission breached Article 14(1) of Council Regulation (EC) No 1386/2007 by unlawfully failing to forward a list of vessels including the applicant's fishing vessel CALVÃO for the purposes of authorisation to fish in the NAFO Regulatory Area for the season 2017.

The applicant maintains that the Commission lacks powers to participate in the drafting of the lists of authorised vessels which remains an exclusive competence of the Member States. The applicant has requested the Commission to desist from interfering in the drafting of the list concerned and has called upon it to fulfil its obligations regarding the forwarding of the list including its fishing vessel CALVÃO to the NAFO Secretariat.

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**Action brought on 28 April 2017 — Intermarché Casino Achats v Commission**

**(Case T-254/17)**

(2017/C 231/37)

*Language of the case: French*

**Parties**

*Applicant:* Intermarché Casino Achats (Paris, France) (represented by: Y. Utzschneider and J. Jourdan, lawyers)

*Defendant:* European Commission

**Form of order sought**

- Declare, on the basis of Article 277 TFEU, Article 20 of Regulation No 1/2003 inapplicable to the present case;