

7. Seventh plea in law, alleging violation of the principle of proportionality regarding the sanction of exclusion and its publication.

- It is argued that the defendant committed an error of law consisting of a violation of the principle of proportionality in its assessment of the criteria justifying an exclusion measure. It is also argued, on a subsidiary basis, that, should the retained facts qualify as grave professional misconduct (*quod non*), a sanction of exclusion for 18 months and the publication of this sanction are disproportionate in light of a concrete assessment of the criteria established in Article 136(3) of Regulation (EU, Euratom) No 2018/1046.

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- (<sup>1</sup>) Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ 2002 L 248, p. 1).
- (<sup>2</sup>) Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ 2012 L 298, p. 1).
- (<sup>3</sup>) Regulation (EU, Euratom) No 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ 2018 L 193, p. 1).

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**Action brought on 31 March 2021 — CCTY Bearing Company v EUIPO — CCVI International (CCTY)**

**(Case T-176/21)**

**(2021/C 206/44)**

*Language of the case: English*

**Parties**

*Applicant:* CCTY Bearing Company (Zhenjiang, China) (represented by: L. Genz, lawyer)

*Defendant:* European Union Intellectual Property Office (EUIPO)

*Other party to the proceedings before the Board of Appeal:* CCVI International Srl (Vicenza, Italy)

**Details of the proceedings before EUIPO**

*Proprietor of the trade mark at issue:* Applicant before the General Court

*Trade mark at issue:* European Union word mark CCTY — European Union trade mark No 11 550 886

*Procedure before EUIPO:* Cancellation proceedings

*Contested decision:* Decision of the Fourth Board of Appeal of EUIPO of 3 February 2021 in Case R 779/2020-4

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order intervenor to pay the costs of the proceedings, including those incurred in the course of the appeal proceedings and the cancellation proceedings.

**Pleas in law**

- Infringement of Article 71 of Regulation (EU) 2017/1001 of the European Parliament and of the Council in conjunction with Article 27 of Commission Delegated Regulation (EU) 2018/625;

- Infringement of Article 60(1)(a) in conjunction with Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

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**Action brought on 31 March 2021 — LF v Commission**

**(Case T-178/21)**

(2021/C 206/45)

*Language of the case: French*

**Parties**

*Applicant:* LF (represented by: S. Orlandi, lawyer)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- annul the decision of 20 May 2020 not to grant the applicant an expatriation allowance;
- order the 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 infringement of Article 4(1)(b) of Annex VII to the Staff Regulations of Officials of the European Union, in so far as, during the ten-year reference period, he was based in Belgium exclusively to carry out his duties for the European institutions, while keeping the permanent centre of his interests in France, where he has lived since the age of four, and where his family and in-laws are based.

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**Action brought on 31 March 2021 — QN v Commission**

**(Case T-179/21)**

(2021/C 206/46)

*Language of the case: English*

**Parties**

*Applicant:* QN (represented by: L. Levi and N. Flandin, lawyers)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- annul the applicant's CDR <sup>(1)</sup> of 2019;
- subsidiarily, annul the applicant's CDR in so far it contains contested comments;
- together with, and in so far as necessary, annul the defendant's decision rejecting the complaint lodged by the applicant on the basis of Article 90(2) of the Staff Regulations against the CDR of 2019;