

3. Third plea in law, alleging breach of the principle of consistency, in so far as the contested decision allows the entry into force of an international agreement which applies in the territory of the Western Sahara even though no Member State has recognised the sovereignty of the Kingdom of Morocco over the Western Sahara. The contested decision strengthens the Kingdom of Morocco's control over the Sahrawi territory, which is contrary to the aid provided by the Commission to Sahrawi refugees. In addition, the contested decision is inconsistent with the usual reaction of the European Union to breaches of obligations under peremptory norms of international law and is contrary to the objectives of the Common Fisheries Policy.
4. Fourth plea in law, alleging failure to achieve the goal of sustainable development.
5. Fifth plea in law, alleging breach of the principle of legitimate expectations, in so far as the contested decision runs counter to the expectation the applicant garnered from the repeated statements by the European Union institutions on the conformity of the agreements concluded with the Kingdom of Morocco with international law.
6. Sixth plea in law, alleging breach of the Association Agreement concluded between the European Union and the Kingdom of Morocco, the contested decision being contrary to Article 2 of that agreement in so far as it infringes the right to self-determination.
7. Seventh plea in law, alleging breach of the United Nations Convention on the Law of the Sea, in so far as the contested decision allows the entry into force of a protocol by which the European Union and the Kingdom of Morocco set fishing quotas for waters not under their sovereignty and authorised European Union vessels to exploit fisheries resources under the sole sovereignty of the Sahrawi people.
8. Eighth plea in law, alleging infringement of the right to self-determination, the contested decision bolstering the Kingdom of Morocco's control over the Western Sahara.
9. Ninth plea in law, alleging breach of the principle of permanent sovereignty over natural resources and of Article 73 of the Charter of the United Nations, the applicant not having been consulted even though the contested decision permits the exploitation of natural resources under the sole sovereignty of the Sahrawi people.
10. Tenth plea in law, alleging breach of the principle of the relative effect of treaties, the contested decision giving rise to international obligations in respect of the applicant without its consent.
11. Eleventh plea in law, alleging infringement of international humanitarian law, in so far as the contested decision provides financial support to the Kingdom of Morocco's policy of colonising the Western Sahara.
12. Twelfth plea in law, based on the law of international responsibility, the contested decision engaging the international responsibility of the European Union.

(¹) OJ 2013 L 349, p. 1.

Action brought on 14 March 2014 — José Freitas v Council and Parliament

(Case T-185/14)

(2014/C 184/56)

Language of the case: French

Parties

Applicant: José Freitas (Porto, Portugal) (represented by: J.-P. Hordies, lawyer)

Defendant: Council of the European Union and European Parliament

Form of order sought

The applicant claims that the Court should:

— declare the application to be admissible and well-founded;

- annul Article 1(2)(b) of Directive 2013/55/EU of the European Parliament and of the Council of 20 November 2013 amending Directive 2005/36/EC on the recognition of professional qualifications and Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation'), published in the Official Journal of the European Union on 28 December 2013 (OJ L 354, p. 132);
- order the defendants to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging infringement of Article 49 TFEU, in so far as the profession of notary falls within the scope of application of Article 49 TFEU regarding freedom of establishment and does not fall within the exercise of official authority within the meaning of Article 51 TFEU. The profession of notary cannot therefore be excluded from the scope of application of Directive 2005/36/EC. ⁽¹⁾
2. Second plea in law, alleging breach of the principle of proportionality, the notaries appointed by official act of the public authorities being excluded in a general and absolute manner from the scope of application of Directive 2005/36/EC.

⁽¹⁾ Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ 2005 L 255, p. 22).

Action brought on 9 April 2014 — Ewald Dörken v OHIM — Schürmann (VENT ROLL)

(Case T-223/14)

(2014/C 184/57)

Language in which the application was lodged: German

Parties

Applicant: Ewald Dörken AG (Herdecke, Germany) (represented by: N. Grüger, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs)

Other party to the proceedings before the Board of Appeal: Wolfram Schürmann (Neuhausen, Switzerland)

Form of order sought

The applicant claims that the Court should:

- Annul the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 30 January 2014 in Case R 2156/2012-4 and alter the contested decision to the effect that the application for a declaration of invalidity is dismissed in its entirety;
- In the alternative, annul the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 30 January 2014 in Case R 2156/2012-4 with regard to the goods in Class 6: 'metal sheets for construction purposes' and Class [1]7: 'underlay sheets' and alter the contested decision to the effect that the application for a declaration of invalidity is dismissed with regard to those goods;
- Order the defendant to pay the costs.

Pleas in law and main arguments

Registered Community trade mark in respect of which a declaration of invalidity has been sought: the word mark 'VENT ROLL' for goods in Classes 6, 17 and 19 — Community trade mark No 3 817 491