

— Order the defendants to pay the costs.

In the alternative, by way of subsidiary claim, the applicants request the Court to:

- Find that the European Union and/or the defendant institutions have incurred non-contractual liability;
- Determine the procedure to be followed in order to establish the recoverable loss actually suffered by the applicants;
- Order the defendants to pay the costs.

Pleas in law and main arguments

The applicants (51 in total) are depositors and/or shareholders of the Bank of Cyprus Public Company Ltd and/or Cyprus Popular Bank Public Co. Ltd. They seek compensation pursuant to Articles 268, 340(2) and 340(3) TFEU, governing the extra-contractual liability of the EU, for the loss that they have suffered as a result of the measures taken by the defendant institutions imposing a bail-in scheme on the Republic of Cyprus.

The applicants consider that the defendant institutions adopted a bail-in scheme for the Republic of Cyprus which led directly to the loss of their deposits and shareholdings. In the view of the applicants, the bail-in measures adopted by the Republic of Cyprus were introduced solely in order to implement measures adopted by the defendants and were also approved by the defendant institutions.

The applicants consider that the bail-in scheme violates the right to property, as protected by Article 17(1) of the Charter of Fundamental Rights of the EU and Article 1 of Protocol 1 of the European Convention for the Protection of Fundamental Rights and Freedoms. The applicants also argue that the bail-in scheme infringes the principle of proportionality, the principle of protection of legitimate expectations, and the principle of non-discrimination.

Action brought on 23 January 2014 — USFSPEI v Parliament and Council

(Case T-75/14)

(2014/C 194/34)

Language of the case: French

Parties

Applicant: Union syndicale fédérale des services publics européens et internationaux (Brussels, Belgium) (represented by: J.-N. Louis and D. de Abreu Caldas, lawyers)

Defendants: Council of the European Union and European Parliament

Form of order sought

The applicant claims that the Court should:

- declare the present action admissible and well founded;
- accordingly, annul points 27, 32, 46, 64(b), 65(b) and 67(d) of Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013;
- order the defendants to pay to USF a symbolic sum of EUR 1 to compensate for the non-material harm suffered and to pay the costs.

Pleas in law and main arguments

The applicant invokes the unlawfulness of points 27, 32, 46, 64(b), 65(b) and 67(d) of Regulation (EU, Euratom) No 1023/2013⁽¹⁾ in so far as they amend, inter alia, Article 5 (creation of the SC function group), Article 6 (elimination of the guarantee of career equivalence), Article 40(2) (restriction of CCP to 12 years), the second paragraph of Article 43 (indication of potential to carry out an administrator's function starting from grade AST 5 instead of AST), Article 44(1) (new conditions for advancement to a higher step), Article 51 (professional incompetence procedure), Article 52 (leave in the interests of the service), Article 77 (pension accrual rate of 1,8 %), and Annex VIII, Article 9(2) (early retirement without penalty) of the Staff Regulations.

In support of its action, it invokes the infringement of the agreement between the OSP and the legislator on the 2004 reform, in particular on the reform of careers, the principles of a linear career structure and equivalence of careers.

It also invokes breach of Article 27 of the Charter of Fundamental Rights and of Article 21 of the European Social Charter, infringement of the principle of acquired rights, the principle of proportionality and the principle of non-discrimination.

⁽¹⁾ Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013 amending the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union (OJ 2013 L 287, p. 15).

Action brought on 24 March 2014 — Deza v ECHA

(Case T-189/14)

(2014/C 194/35)

Language of the case: Czech

Parties

Applicant: Deza, a.s. (Valašské Meziříčí, Czech Republic) (represented by: P. Dejl, lawyer)

Defendant: European Chemicals Agency

Form of order sought

The applicant claims that the Court should:

- annul the decisions of the European Chemicals Agency of 24 January 2014, in notices AFA-C-0000004274-77-09/F, AFA-C-0000004280-84-09/F, AFA-C-0000004275-75-09/F and AFA-C-0000004151-87-08/F;
- order the defendant to pay the costs of the proceedings.

Pleas in law and main arguments

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

1. First plea in law, alleging infringement of Article 4(2) of Regulation (EC) No 1049/2001⁽¹⁾ in conjunction with Article 118 of Regulation (EC) 1907/2006⁽²⁾ and infringement of the right to protection of legitimate commercial interests and intellectual property.
 - The applicant in this respect submits that the contested decision contravenes Article 4(2) of Regulation No 1049/2001 in conjunction with Article 118 of Regulation No 1907/2006, since disclosure of the relevant information to a third person would lead to infringement of the protection of their commercial interests and to infringement of the protection of intellectual property rights, and that there is no overriding public interest in disclosure of the relevant information and the defendant in its decision did not even state that any public interest would override the need to protect those rights of the applicant.
2. Second plea in law, alleging infringement of the obligations of the European Union stemming from the TRIPS Agreement⁽³⁾ and related interference with the right to the protection of confidential information.
 - The applicant in this connection submits that the contested decision contravenes the international obligations of the European Union stemming from Article 39(2) of the TRIPS Agreement, according to which the parties to the agreement are required to ensure that natural and legal persons will have the possibility of preventing information lawfully within their control from being disclosed to, acquired by, or used by others without their consent in a manner contrary to honest commercial practices, so long as such information: (a) is secret in the sense that it is not, as a body or in the precise configuration and assembly of its components, generally known among or readily accessible to persons within the circles that normally deal with the kind of information in question; (b) has commercial value because it is secret; and (c) has been subject to reasonable steps under the circumstances, by the person lawfully in control of the information, to keep it secret.