

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.

3. Third plea in law, alleging infringement of the obligations of the European Union stemming from Article 8 of the European Convention on the Protection of Human Rights and Fundamental Freedoms and infringement of Article 17 of the Charter of Fundamental Rights of the European Union and related interference with the right to property and its protection.

— In this connection it is submitted that the contested decision contravenes Article 8 of the European Convention on the Protection of Human Rights and Fundamental Freedoms, Article 1 of the Additional Protocol to that convention and Article 17 of the Charter of Fundamental Rights of the European Union, since it restricts the applicant's right to peaceful enjoyment of property.

4. Fourth plea in law, alleging infringement of Article 4(3) of Regulation No 1049/2001.

— In the applicant's opinion, the contested decision contravenes Article 4(3) of Regulation No 1049/2001, since the disclosure of the relevant information would seriously threaten the decision-making process of the European Commission and the defendant in deciding on the application for authorisation to use the substance concerned, and 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.

⁽¹⁾ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ 2001 L 145, p. 43).

⁽²⁾ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ 2006 L 396, p. 1)

⁽³⁾ Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) of 15 April 1994 (OJ 1994 L 336, p. 214)

Action brought on 4 April 2014 — Volkswagen v OHIM (EXTRA)

(Case T-216/14)

(2014/C 194/36)

Language of the case: German

Parties

Applicant: Volkswagen AG (Wolfsburg, Germany) (represented by U. Sander, lawyer)

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

Form of order sought

The applicant claims that the Court should:

— Annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 6 February 2014 in Case R 1788/2013-1;

— Order the defendant to pay the costs.

Pleas in law and main arguments

Community trade mark concerned: the word mark 'EXTRA' for goods and services in Classes 12, 28, 35 and 37 — Community trade mark application No 11 769 155

Decision of the Examiner: the application was rejected

Decision of the Board of Appeal: the appeal was dismissed

Pleas in law: Infringement of Article 7(1)(b) of Regulation No 207/2009
