

Other party to the proceedings: Office for Harmonisation in the Internal Market (Trade Marks and Designs)

Form of order sought by the appellant

The appellant claims that the Court should:

- annul the judgment of the Civil Service Tribunal of 8 July 2014 in Case F-26/13;
- annul the Appraisal Report issued to the appellant in respect of the period from 1 October 2010 to 30 September 2011;
- order OHIM to pay an adequate compensation in the discretion of the Court — not below an amount EUR 500 — to the appellant for the moral and immaterial damages suffered by the appellant as a result of the aforesaid Appraisal Report;
- order OHIM to pay the costs as regards the proceedings in the Civil Service Tribunal and in the General Court.

Pleas in law and main arguments

In support of the appeal, the appellant relies on five pleas in law.

1. First plea in law, alleging that the Civil Service Tribunal erred in failing to recognize that a general assessment must be based on the official's performance during the appraisal period as a whole.
2. Second plea in law, alleging that the Civil Service Tribunal erred in failing to recognize the gravity of the procedural violations committed by OHIM.
3. Third plea in law, alleging that the Civil Service Tribunal committed an error when appreciating the plea in law alleging infringement of the principle of protection of legitimate expectations.
4. Fourth plea in law, alleging that the Civil Service Tribunal committed errors when appreciating the plea in law alleging infringement of the principle of equal treatment.
5. Fifth plea in law, alleging that the Civil Service Tribunal failed to evaluate properly, or even to examine, the evidence in relation to the plea of misuse of powers.

Action brought on 19 September 2014 — Krka/Commission

(Case T-684/14)

(2014/C 431/57)

Language of the case: English

Parties

Applicant: Krka Tovarna Zdravil d.d. (Novo Mesto, Slovenia) (represented by: T. Ilešič and M. Kocmut, lawyers).

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the Commission's decision C(2014) 4955 final of 9 July 2014 in case AT.39612 — Perindopril (Servier), served on the applicant on 11 July 2014, in so far as it concerns the applicant, in particular Articles 4, 7(4)(a), 8 and 9;
- order the Commission to pay the applicant's legal and other costs and expenses in relation to this matter; and
- order such other measures as justice may require.

Pleas in law and main arguments

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

1. First plea in law, alleging that the Commission failed to properly analyse the legal, factual and economic context of the applicant's situation.
2. Second plea in law, alleging that the Commission wrongly concluded that the applicant and Servier were actual or potential competitors under Article 101 TFEU.
3. Third plea in law, alleging that the Commission's wrong conclusion that the patent settlement concluded between the applicant and Servier restricted competition by object under Article 101(1) TFEU rests on erroneous factual and legal analysis as well as on a wrongful application of the established principles on restrictions by object.
4. Fourth plea in law, alleging that the Commission violated the applicant's right of defence by inconsistently examining the Assignment and Licence Agreement and erred in concluding that the Assignment and Licence Agreement amounts to a restriction of competition by object under Article 101(1) TFEU.
5. Fifth plea in law, alleging that the Commission erred in concluding that the agreements concluded between the applicant and Servier restricted competition by effect under Article 101(1) TFEU.
6. Sixth plea in law, alleging that the Commission failed to accurately assess the arguments raised by the applicant under Article 101(3) TFEU.

Action brought on 18 September 2014 — EEB/Commission**(Case T-685/14)**

(2014/C 431/58)

*Language of the case: English***Parties**

Applicant: European Environmental Bureau (EEB) (Brussels, Belgium) (represented by: S. Podskalská, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the Commission Decision Ares (2014) 2317513, of 11 July 2014, declaring inadmissible the request for internal review, lodged by the applicant, regarding the Commission decision 2014/2002 final, of 31 March 2014, on the notification by the Republic of Bulgaria of a transitional national plan referred to in Article 32 of Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions;
- annul the Commission Decision C 2014/2002 final, of 31 March 2014, on the notification by the Republic of Bulgaria of a transitional national plan referred to in Article 32 of Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions;
- order the defendant to pay the costs of the proceedings.