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 that the Commission Decision Ares (2014) 2317513, of 11 July 2014, infringes article 17 of the Treaty on the European Union, articles 2(1)(g) and 10 of Regulation (EC) No 1367/2006, the United Nations Economic Commission for Europe Convention on access to information, public participation in decision-making and access to justice in environmental matters (the 'UNECE Convention'), in conjunction with the Council decision, of 17 February 2005 on the conclusion, on behalf of the European Community, of the UNECE Convention (2005/370/EC).

2. Second plea in law, alleging that the Commission Decision C 2014/2002 final, of 31 March 2014, infringes article 17 of the Treaty on the European Union, the Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions, the Commission Implementing Decision 2012/115/EU, of 10 February 2012, laying down rules concerning the transnational plans referred to in Decision 2010/75/EU, the UNECE Convention, in conjunction with the Council Decision, of 17 February 2005 on the conclusion, on behalf of the European Community, of the UNECE Convention (2005/370/EC), Directive 2001/42/EC on the assessment of the effects of certain plans and programs on the environment, and Directive 2008/50/EC of the European Parliament and of the Council, of 21 May 2008, on ambient air quality and cleaner air for Europe.

Appeal brought on 12 September 2014 by the European Union Agency for Network and Information Security (ENISA) against the judgment of the Civil Service Tribunal of 2 July 2014 in Case F-63/13 *Psarras* v *ENISA*

(Case T-689/14 P)

(2014/C 431/59)

Language of the case: Greek

Parties

Appellant: European Union Agency for Network and Information Security (ENISA) (represented by P. Empadinhas and by C. Meidanis, lawyer)

Other party to the appeal: Aristides Psarras (Heraklion, Greece)

Form of order sought by the appellant

The appellant claims that the General Court should:

— set aside in its entirety the judgment of 2 July 2014 of the Civil Service Tribunal in Case F-63/13;

— reject in their entirety the claims made by the applicant at first instance in Case F-63/13; and

— order the applicant at first instance to pay all the legal costs, both before the Civil Service Tribunal and before the General Court.

Pleas in law and main arguments

In support of the appeal the appellant relies on five grounds.

1. The first ground of appeal claims a distortion of the facts as regards the events of 4 May 2012 and the subsequent period, and an error of law as regards Article 41(2)(a) of the Charter of Fundamental Rights and Article 47 of the Conditions of Employment of other Servants of the European Union (together with Article 59 of the Staff Regulations of Officials of the European Union).

2. The second ground of appeal claims an error of law, with regard to Article 41(2)(a) of the Charter, in so far as it was held that a ruling that that provision has been infringed entails *ipso jure* and automatically the annulment of the contested decision, disregarding the case-law in accordance with which the applicant should additionally have proved that, in the absence of that infringement, the content of the contested decision would have been different, and on the basis of the new interpretation of the provision in the ruling that the previous case-law '*renders* [the provision] *wholly meaningless*'.

3. The third ground of appeal claims a breach of the obligation of the Civil Service Tribunal to answer the defendant's objections of inadmissibility and an insufficient statement of reasons and in addition breach of the obligation to uphold the preliminary procedure for an application for compensation.

4. The fourth ground of appeal claims disregard of the case-law to the effect that the annulment of the contested decision can itself constitute adequate compensation, insufficient statement of reasons, the fact that the Civil Service Tribunal ruled *ultra vires* and manifest error of assessment

5. The fifth ground of appeal claims a suspected lack of impartiality on the part of the Civil Service Tribunal.

Action brought on 19 September 2014 — Sony Computer Entertainment Europe v OHIM — Marpefa (Vieta)

(Case T-690/14)

(2014/C 431/60)

Language in which the application was lodged: English

Parties

Applicant: Sony Computer Entertainment Europe Ltd (London, United Kingdom) (represented by: S. Malynicz, Barrister)

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

Other party to the proceedings before the Board of Appeal: Marpefa, SL (Barcelona, Spain)

Details of the proceedings before OHIM

Applicant: Applicant

Trade mark at issue: Community trade mark No 1 790 674

Procedure before OHIM: Proceedings for a declaration of invalidity

Contested decision: Decision of the Second Board of Appeal of OHIM of 2 July 2014 in Case R 2100/2013-2

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— order OHIM and the other party to the proceedings before the Board of Appeal to pay the costs.

Pleas in law

— Infringement of Article 15(1) Regulation No 207/2009;

— Infringement of Article 15(1)(a) Regulation No 207/2009;

— Infringement of Article 51(2) Regulation No 207/2009.
