

- award compensation for the material and non-material damage suffered by the applicant by reason of the infringement of his rights; and
- order EUIPO to pay the costs of the proceedings.

Pleas in law and main arguments

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

1. First plea in law: infringement of the provisions of the disciplinary code established by the Staff Regulations of Officials of the European Union ('the Staff Regulations')

The applicant claims that his demotion from the post of Director of the Operations Department to that of Senior Expert without any career opportunity is not a legitimate transfer, but a punitive demotion that would have required prior disciplinary proceedings in the absence of any other legal basis. Through its actions, the defendant Office therefore infringed the provisions of Article 86 of the Staff Regulations and Annex IX thereto.

2. Second plea in law: unlawful transfer/misuse of powers

The applicant submits that the conditions governing a legitimate transfer have not been satisfied. The demotion and transfer of the applicant is not in the interests of the service, the various (changing) reasons submitted for the applicant's transfer point to a misuse of powers and the equivalence principle required for a legitimate transfer has not been respected.

3. Third plea in law: infringement of the principle prohibiting arbitrary treatment and the prohibition of discrimination on grounds of the applicant's sex

The applicant claims in this connection that his demotion and transfer, in order to raise the proportion of women in management, amounts to direct discrimination on grounds of his sex.

4. Fourth plea in law: infringement of the principle of proportionality

The applicant maintains that his disciplinary transfer is a disproportionate measure in the course of the internal reorganisation of the Office.

5. Fifth plea in law: infringement of the right to good administration and of the duty of care — attack on the applicant's physical and psychological integrity — harassment

In connection with the fifth plea in law, the applicant claims that his 'ambush-like' demotion constitutes an attack on his physical and psychological integrity and falls short of even a minimum standard of good administration.

A claim for financial compensation in respect of the material and non-material damage has arisen for the applicant by reason of the actions and omissions of the Office.

Action brought on 15 March 2017 — EKETA v Commission

(Case T-177/17)

(2017/C 151/53)

Language of the case: Greek

Parties

Applicant: Ethniko Kentro Erevnas kai Technologikis Anaptyxis (EKETA) (Thessaloniki, Greece) (represented by: V. Christianos and S. Paliou, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the General Court should:

- declare that the request made by the European Commission to EKETA to reimburse the amount of EUR 211 185,95 of the payment received by it for the ASK-IT project, that request being made in the debit note 3241615292/29.11.2016, is unfounded with respect to the sum of EUR 143 910,77;
- declare that the sum of EUR 143 910,77 constitutes eligible costs and that EKETA is not obliged to repay that sum to the European Commission, and
- order the European Commission to pay the applicant's costs.

Pleas in law and main arguments

1. By this action, the Ethniko Kentro Erevnas kai Technologikis Anaptyxis (EKETA) challenges the requests made by the Commission by means of its debit note 3241615292/29.11.2016, in relation to participation in the ASK-IT project. By means of that debit note, the Commission requested that EKETA reimburse part of the payment received by it for the ASK-IT project, a sum of EUR 211 185,95. The request follows an on-the-spot audit which was carried out by the European Commission at the applicant's premises.
2. In that context, the applicant claims that the General Court of the European Union, under Article 272 TFEU, should declare that, out of the above amount stated in the debit note, the sum of EUR 143 910,77 constitutes eligible costs and that EKETA is not obliged to repay that sum to the Commission.
3. EKETA maintains that the above amount of EUR 143 910,77 constitutes eligible staff costs, subcontracting costs and indirect costs, which the Commission wrongly rejected as being ineligible. The eligibility of the applicant's costs is demonstrated by the evidence that it submitted to the European Commission at the on-the-spot audit and in subsequent correspondence and that it submits to the General Court.

Action brought on 21 March 2017 — Menta y Limón Decoración v EUIPO — Ayuntamiento de Santa Cruz de La Palma (Representation of a man in regional costume)

(Case T-183/17)

(2017/C 151/54)

Language in which the application was lodged: Spanish

Parties

Applicant: Menta y Limón Decoración, SL (Argame, Spain) (represented by: E. Estella Garbayo, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Ayuntamiento de Santa Cruz de La Palma (Santa Cruz de La Palma, Spain)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Other party to the proceedings before the Board of Appeal

Trade mark at issue: EU figurative mark (Representation of a man in regional costume) — EU trade mark No 10 822 013

Procedure before EUIPO: Proceedings for a declaration of invalidity

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 9 January 2017 in Case R 510/2015-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;