

Defendants: European Parliament, Council of the European Union, European Commission

Form of order sought

The applicants claim that the Court should:

- partially annul Directive 2014/40/EU, Article 10 and Annex II ('picture library'), mainly with reference to image 5 in 'Set 1' of the WARNING section;
- in the alternative, partially amend Directive 2014/40, Article 10 and Annex II approved by the European Commission, in view of the absence of any reference whatsoever on cigarette packets to an information link or to a 'disclaimer' concerning the photographs which appear on cigarette packets, and include on all cigarette packets within the EU a warning concerning the images which appear on those packets, with reference in particular to a link via which information can be read about the images which appear on such packets in order to dispel any doubts;
- amend the ways in which consent is obtained from the persons who appear on those cigarette packets in such a way that the persons who will appear on cigarette packets consent to the publication of their real name and personal medical data so that there can be no confusion and in order that any other source of uncertainty can be avoided with regard to the persons who appear on those cigarette packets, and ensure that personal and medical data form an integral part of the link that persons who wish to know the identity/medical history of the subjects who appear on cigarette packets may consult;
- order both institutions, in conjunction with the European Commission, to submit a copy of the consent consistent with the original provided by the person who appears in the series of images, number 5, set 1, without withholding personal data, and the images corresponding to the consent given, in order to make it possible to draw up an expert criminal report on the photographs;
- order the defendants to pay the sum of EUR 1 000 000 as compensation for the non-material damage quantified on the basis of the suffering caused by the publication of such images a relatively short period after the death of the applicants' father and for the anguish occasioned by the withholding of information that could have clarified the situation of the man shown on the cigarette packets in such a way that the family's anguish would have lasted a much shorter length of time.

Pleas in law and main arguments

In support of the action, the applicants submit that Directive 2014/40/EU has affected their daily lives, given the distress caused by the resemblance of the person on the cigarette packets to their deceased father.

Action brought on 25 May 2017 — European Dynamics Luxembourg and Evropaiki Dynamiki v EIF

(Case T-320/17)

(2017/C 256/37)

Language of the case: English

Parties

Applicants: European Dynamics Luxembourg SA (Luxembourg, Luxembourg), Evropaiki Dynamiki — Proigmena Systemata Tilepikoinonion Pliroforikis kai Tilematikis AE (Athens, Greece) (represented by: M. Sfyri and C-N. Dede, lawyers)

Defendant: European Investment Fund (EIF)

Form of order sought

The applicants claim that the Court should:

- annul the defendant's award decision disclosed to the applicants on 16 March 2017 regarding the tender filed by the applicants in response to the open procurement procedure (reference 2016-MIBO_IPA_PPI-002) by which they were informed that their bid had not been ranked as the most economically advantageous tender;
- order the defendant to pay the applicants exemplary damages reaching the amount of EUR 100 000 (one hundred thousand Euros); and
- order the defendant to pay the applicants' legal fees and other costs and expenses incurred in connection with this application, even if the current application is rejected.

Pleas in law and main arguments

In support of the action, the applicants rely on a single plea in law, alleging that the defendant infringed the EU law on public procurement, the principles of transparency and the provisions of the directives on public procurement, together with the EIF Practical Guide, by not communicating to the applicants the scores awarded in each award criterion to the winning tender and a detailed analysis of the strong and weak points of their tender in relation to those of the winning tender. The applicants argue that the defendant acted in breach of the principle of sound administration by adversely affecting the applicants' right to an effective remedy against the contested decision.

Action brought on 30 May 2017 — Air France-KLM v Commission

(Case T-337/17)

(2017/C 256/38)

Language of the case: French

Parties

Applicant: Air France-KLM (Paris, France) (represented by: A. Wachsmann and S. Thibault-Liger, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- primarily, annul in full, on the basis of Article 263 TFEU, European Commission Decision C(2017) 1742 final of 17 March 2017 relating to a proceeding under Article 101 of the Treaty on the Functioning of the European Union, Article 53 of the EEA Agreement and Article 8 of the Agreement between the European Community and the Swiss Confederation on Air Transport, Case COMP.39258 — Airfreight, insofar as it concerns Air France-KLM, as well as the grounds supporting its operative part, on the basis of the applicant's first plea in law;
- in the alternative, should the General Court not order the annulment in full of Decision C(2017) 1742 final on the basis of the first plea in law:
 - annul the first paragraph of Article 1, Article 1(1)(b), Article 1(2)(b), Article 1(3)(b) and Article 1(4)(b) of Decision C (2017) 1742 final, in that the finding of a single and continuous infringement attributed to Air France-KLM is based on evidence submitted by Lufthansa in the context of its application for immunity under the 2002 Commission Notice on Immunity from fines and reduction of fines in cartel cases, and the grounds supporting those provisions, Article 3(b) and (d) of the decision in that it imposes on Air France-KLM two fines in a total amount of EUR 307 360 000, and Article 4 of the decision, and consequently reduce, on the basis of Article 261 TFEU, the amount of those fines, in accordance with the applicant's second plea in law;