

4. Fourth plea in law: the ECB has infringed Article 47 of the Charter of Fundamental Rights of the European Union by denying the applicant access to the documents upon which the ECB based its decision to declare the resolution of the Banco Popular.

Action brought on 22 December 2017 — Quadri di Cardano v Commission

(Case T-828/17)

(2018/C 063/25)

Language of the case: French

Parties

Applicant: Alessandro Quadri di Cardano (Alicante, Spain) (represented by: N. de Montigny and J.-N. Louis, lawyers)

Defendant: European Commission

Form of order sought

Declare and rule:

- That the decision of the PMO of 28 February 2017 notifying the applicant that the expatriation allowance of 16 % granted to him and the transport expenses which he had received under Article 4 of Annex VII to the Staff Regulations, during the period of employment at EASME, with effect from 16 May 2014, is annulled;
- Insofar as necessary, that the salary slips corrected following the notification of that decision [are annulled];
- That the defendant shall pay the costs.

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 infringement of Article 85 of the Staff Regulations of Officials of the European Union.
2. Second plea in law, alleging infringement of the principle of legitimate expectations and the principle of legal certainty, a manifest error of assessment and infringement of the principle of sound administration.

Action brought on 27 December 2017 — Coesia v EUIPO (Representation of a circular shape consisting of two oblique red lines)

(Case T-829/17)

(2018/C 063/26)

Language of the case: Italian

Parties

Applicant: Coesia SpA (Bologna, Italy) (represented by S. Rizzo, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: EU figurative mark (Representation of a circular shape consisting of two oblique red lines) — Application for registration No 13 681 151.

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 29 September 2017 in Case R 1272/2017-5.

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs.

Pleas in law

- Infringement of Article 7(1)(b) of Regulation No 207/2009;
- Infringement of Article 75 of Regulation No 207/2009.

Action brought on 22 December 2017 — Szentes v Commission**(Case T-830/17)**

(2018/C 063/27)

*Language of the case: French***Parties**

Applicant: Gyula Szentes (Luxembourg, Luxembourg) (represented by: F. Moyses, lawyer)

Defendant: European Commission

Form of order sought

- Annul the decision of 24 February 2017 and, insofar as necessary, the act rejecting the applicant's claim of 29 September 2017;
- Order the Commission to pay the costs.

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 the unlawfulness of the competition notice. The applicant argues that Article 6.4 of Annex III, which precludes requests for review made by reason of a challenge to the assessment made by the selection board having a positive result, is unlawful, being contrary to the right to an effective remedy provided for in Article 47 of the Charter of Fundamental Rights. The contested decision, which is based on that provision, is accordingly unlawful.
 2. Second plea in law, alleging infringement of the obligation to state reasons. The contested decision merely cites extracts from case-law and does not set out the list of selection criteria drawn up by the selection board prior to the assessment of the application forms.
 3. Third plea in law, alleging distortion of the facts and a manifest error of assessment. The applicant criticises, in that regard, the manner in which the selection board assessed the data entered in the application form.
 4. Fourth plea in law, alleging infringement of the competition notice. The applicant submits that the selection board failed to cross-match the various sections of the application form in order to decide whether the applicant met one of the conditions for admission to the competition.
-