

### 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 the Staff Regulations of Officials of the European Union ('the Staff Regulations') by the appointing authority when it based its refusal to promote the applicant on a previously imposed penalty, when that penalty had already affected the applicant's career by a relegation in step. Moreover, the contested decision was allegedly adopted on the ground that the penalty was related to the applicant's conduct while on active duty, whereas the decision to impose a penalty of 2016 indicated that the acts in question were totally unconnected to the applicant's duties and responsibilities.
2. Second plea in law, alleging abuse of powers and process by the appointing authority when it used its power of promotion to increase the penalty imposed in 2016 and used the promotion procedure to circumvent the limits provided for in the Staff Regulations in the event of deferment of advancement.

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### Action brought on 14 September 2018 — Teeäär v ECB

(Case T-547/18)

(2018/C 427/111)

*Language of the case: English*

### Parties

*Applicant:* Raivo Teeäär (Tallinn, Estonia) (represented by: L. Levi, lawyer)

*Defendant:* European Central Bank (ECB)

### Form of order sought

The applicant claims that the Court should:

- annul the decision of the ECB Executive Board of 27 February 2018 by which the applicant's application for support for transition to a career outside the ECB was rejected;
- if need be, annul the decision of the Executive Board dated 3 July 2018 rejecting the special appeal directed by the applicant against the decision of the Executive Board of 27 February 2018;
- grant the applicant compensation for the material prejudice he allegedly suffered consisting in the career transition support financial package, estimated at EUR 101 447, increased by late interest calculated at the main refinancing rate of the European Central Bank plus 3 percentage points per annum;
- order the defendant to pay all 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 illegality of Article 2.3.1 of the ECB Staff Rules, in that this rule is said to infringe the principle of equal treatment and the principle of proportionality; the contested decision is, moreover, flawed by a manifest error of appreciation.

2. Second plea in law, alleging the illegality of Article 2.3.1 of the Staff Rules in that this rule is said to discriminate based on age and thus contravene Article 21 of the Charter of Fundamental Rights of the European Union and Articles 2 and 6 (1) of Directive 2000/78.<sup>(1)</sup>
3. Third plea in law, alleging, on a subsidiary basis, that the contested decision is illegal due to a manifest error of assessment and a violation of the duty of care.
4. Fourth plea in law, alleging, on a subsidiary basis, the infringement of Article 2.3.1 of the Staff Rules.

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<sup>(1)</sup> Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ 2000 L 303, p. 16)

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**Action brought on 18 September 2018 — Helbert v EUIPO**

(Case T-548/18)

(2018/C 427/112)

*Language of the case: English*

**Parties**

*Applicant:* Lars Helbert (Alicante, Spain) (represented by: H. Tettenborn, Rechtsanwalt)

*Defendant:* European Union Intellectual Property Office (EUIPO)

**Form of order sought**

The applicant claims that the Court should:

- annul the decision of the selection board of open competition EUIPO/AD/01/17 <sup>(1)</sup> of the 1<sup>st</sup> of December 2017 and of the 7<sup>th</sup> of March 2018 not to include the applicant in the database of successful candidates in its final form after EUIPO's rejection of 08/06/2018 of the applicant's complaint under Article 90(2) of the Staff Regulations;
- order EUIPO to pay an adequate compensation in the discretion of the Court to the applicant for the non-material damage suffered by the applicant as a result of the decision of the selection board; and
- order EUIPO to pay the procedural 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 that the composition and consistency of the Selection Board presented irregularities, directly resulting in a lack of coherence of the evaluation and a violation of the principles of equal opportunity, equal treatment and objectivity of the evaluations, in breach of articles 3.1 and 2.4 of the General rules governing open competitions.
2. Second plea in law, alleging that the Selection Board did not undertake a comparative assessment of the candidate, in breach of the obligation to observe the principles of equal treatment, equal opportunity and objectivity of the evaluation, according to art. 2.4 of the General rules governing open competitions.
3. Third plea in law, alleging manifest errors of assessment in the evaluation of the applicant's performance in the 'specific competency-based interview'.
4. Fourth plea in law, alleging that the Selection Board infringed the Notice of Competition EUIPO/AD/01/17 as well as principles of equal treatment, equal opportunity and the objectivity of the evaluation.

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<sup>(1)</sup> OJ 2017 C 9 A, p. 1