

- Order the Commission to pay the professional fees and other costs incurred in the present case;
- Order the Commission to reimburse the amounts paid together with the corresponding interest.

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 breach of the established procedure

- The applicant claims that the communications concerning the auditor's report were sent to a third-party, external to the relationship established between the applicant and the defendant Executive Agency.

2. Second plea in law, alleging breach of the obligation to state reasons.

- The applicant maintains that the recovery decision is not supported by an adequate statement of reasons, since the Executive Agency sent only a debit note to the applicant, accompanied by the auditor's report.

3. Third plea in law, alleging breach of the rights of the defence.

- The applicant maintains that it was not given an opportunity during the administrative procedure to make known its point of view on the accuracy and relevance of the allegations against it and on all of the documents that the Commission used to support its claim alleging breach of European Union law.

4. Fourth plea in law, alleging breach of the principle of the protection of legitimate expectations.

- The applicant claims that although the contract was concluded in April 2009, the Executive Agency did not give any indication, until April 2013, that it disagreed in any way at all with the arrangements for developing and implementing the Project.

5. Fifth plea in law, alleging misuse of power.

- The applicant maintains that the Commission did not inform it of the facts that could be alleged against it, and did not give it the opportunity to be heard before the adoption of the penalty.

- 6. Lastly, the applicant alleges breach of the principle of proportionality.

Action brought on 28 June 2013 — CN v Parliament

(Case T-343/13)

(2013/C 245/17)

Language of the case: Italian

Parties

Applicant: CN (Brumath, France) (represented by: M. Velardo, lawyer)

Defendant: European Parliament

Form of order sought

The applicant claims that the Court should:

- order the European Union and the European Parliament to pay the applicant EUR 1 000 for the material damage suffered, plus interest calculated at the rate of 6.75 %;
- order the European Union and the European Parliament to pay the applicant EUR 40 000 for the non-material damage suffered, plus interest calculated at the rate of 6.75 %;
- order the European Union and the European Parliament to pay the costs.

Pleas in law and main arguments

By the present action, CN, a retired former official of the Council, seeks compensation for the material and non-material damage suffered as a result of the publication of an extract from a petition submitted by the applicant containing items of personal data, including information concerning his state of health and the fact that there is a disabled individual in his family, on the European Parliament's own website, which may also be accessed by users from outside that institution.

That information was made widely available, given that it was possible to gain access to the petition extract published by the Parliament by entering the applicant's name in the Google search engine.

In spite of requests made by the applicant, the Parliament withdrew the publication of the personal data in question only after the applicant had instructed a lawyer.

As grounds for his claim that the European Parliament acted unlawfully, the applicant alleges that the following have been infringed:

1. Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms;
2. Article 8 of the Charter of Fundamental Rights;
3. Article 22 of the Convention on the Rights of Persons with Disabilities, adopted on 13 December 2006 and ratified by the European Union on 23 December 2010;
4. Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ 2001 L 8, p. 1).

Action brought on 2 July 2013 — Construcción, Promociones e Instalaciones v OHIM — Copisa Proyectos y Mantenimientos Industriales (CPI COPISA INDUSTRIAL)

(Case T-345/13)

(2013/C 245/18)

Language in which the application was lodged: Spanish

Parties

Applicant: Construcción, Promociones e Instalaciones, SA (Madrid, Spain) (represented by: E. Seijo Veiguela and J. L. Rivas Zurdo, lawyers)

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

Other party to the proceedings before the Board of Appeal: Copisa Proyectos y Mantenimientos Industriales, SL (L'Hospitalet de Llobregat, Spain)

Form of order sought

The applicant claims that the Court should:

- Annul the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 10 April 2013 in Case R 1935/2012-2, granting Community trade mark No 9 600 313 'CPI COPISA INDUSTRIAL' (MIXTA), and order the defendant and, where appropriate, the other party to the proceedings to pay the costs, if that other party appears and contests the action.

Pleas in law and main arguments

Applicant for a Community trade mark: Copisa Proyectos y Mantenimientos Industriales, SL

Community trade mark concerned: Figurative mark with the word elements 'CPI COPISA INDUSTRIAL' for services in Class 37 — Application for Community trade mark No 9 600 313

Proprietor of the mark or sign cited in the opposition proceedings: Applicant.

Mark or sign cited in opposition: National figurative mark with the word elements 'Cpi construcción promociones e instalaciones, s.a.' and the national registered trade name No 85 647 'Construcción, Promociones e Instalaciones, S.A. — C.P.I.' for services in Class 37.

Decision of the Opposition Division: Rejection of the opposition

Decision of the Board of Appeal: Dismissal of the appeal

Pleas in law:

- Infringement of Article 42(2) and (3) of Regulation No 207/2009;

- Infringement of Article 8(1)(b) of Regulation No 207/2009;

- Infringement of Article 8(4) of Regulation No 207/2009.

Action brought on 2 July 2013 — Hellenic Republic v Commission

(Case T-346/13)

(2013/C 245/19)

Language of the case: Greek

Parties

Applicant: Hellenic Republic (represented by: I. Khalkias, X. Basakou and A. Vasilopoulou)

Defendant: European Commission

Form of order sought

The applicant claims that the General Court should:

- annul the Commission implementing decision of 2 May 2013 on excluding from European Union financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF), under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD), notified under document C(2013) 2436 and published at OJ 2013 L 123, as regards the part relating to the Hellenic Republic; and

- order the Commission to pay the costs.