

Form of order sought by the appellant

The appellant claims that the General Court should:

- declare her appeal against the judgment of the Civil Service Tribunal (Second Chamber) in Case F-96/09 to be well founded and set that judgment aside in part, that is to say, setting aside the ruling of inadmissibility made in respect of her application for annulment of the competition selection board's decision refusing her admission to the oral test and the rejection of her application for annulment of the decisions refusing to send her the marked written tests and the personal evaluation sheet relating to those tests;
- grant the forms of order sought at first instance, except to the extent that they impugn the decisions refusing written tests (b) and (c) in so far as those decisions refused disclosure of her test papers and the evaluation sheets drawn up by the selection board for each of those tests, since EPSO sent her those documents by letter of 16 June 2010, paragraphs 72 and 73; and
- uphold the order that the Commission pay the costs of the proceedings at first instance and order the Commission to pay the costs of the appeal proceedings.

Pleas in law and main arguments

The appellant relies on three grounds of appeal.

1. First ground of appeal: the Civil Service Tribunal erred in law in holding inadmissible certain pleas set out in the application, thereby acting in breach of the right to an effective remedy enshrined in Article 47 of the Charter of Fundamental Rights of the European Union.
 - The appellant submits in this regard that the Civil Service Tribunal held certain of the pleas set out in the application to be out of time, in that it found, in breach of the principle of *pro actione*, that in order to calculate, in relation to the contested act, the time allowed for bringing an action, there was no need to consider the appellant's administrative complaint submitted in accordance with Article 90(2) of the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community.
2. Second ground of appeal: the Civil Service Tribunal infringed Article 41(2) of the Charter of Fundamental Rights of the European Union and Article 296 TFEU in finding that the communication to a candidate merely of the marks obtained by that person in two written tests in an open competition, without further reasoning, constitutes an adequate statement of reasons.
 - In response to the finding made by the Civil Service Tribunal that all the proceedings of a selection board are covered by secrecy, by implication defending the immunity of decisions, the appellant argues that a selection board's decisions may be open to review by the courts on the basis of the distinction, within the selection board's technical assessment, between the 'substantive core of the decision' and the 'background' to that decision.
3. Third ground of appeal: infringement of Articles 42 and 52 of the Charter of Fundamental Rights of the European Union.
 - The appellant submits in this regard that the Civil Service Tribunal erred in law in holding that an open competition candidate who disagrees with the mark obtained does not have a right of access to the marked written tests and that, in so doing, it infringed her right of access to the documents.

Action brought on 3 January 2014 — Grundig Multimedia v OHIM (Pianissimo)

(Case T-11/14)

(2014/C 135/53)

Language of the case: English

Parties

Applicant: Grundig Multimedia AG (Stansstad, Switzerland) (represented by: S. Walter, lawyer)

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

Form of order sought

The applicant claims that the Court should:

- Annul the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 5 November 2013 given in Case R 441/2013-4;
- Order the defendant to pay the costs of proceedings, including those incurred before the OHIM.

Pleas in law and main arguments

Community trade mark concerned: The word mark ‘Pianissimo’ for goods in Class 7 — Community trade mark application No 11 102 266

Decision of the Examiner: Rejected the mark applied for

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law: Infringement of Articles 7(1)(b) and 7(2) CTMR.

Action brought on 15 January 2014 — St’art and Others v Commission

(Case T-36/14)

(2014/C 135/54)

Language of the case: French

Parties

Applicants: St’art — Fonds d’investissement dans les entreprises culturelles (Mons, Belgium); Stichting Cultuur — Ondernemen (Amsterdam, Netherlands); and Angel Capital Innovations Ltd (London, United Kingdom) (represented by: L. Dehin and C. Brûls, lawyers)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

- declare the application to be admissible and well founded and consequently annul the contested measures:
 - either the European Commission’s decision of an unknown date to terminate the project ‘Factor SI.2.609157-2/G/ENT/CIP/11/C/N03C011’ and to end, as a consequence, the award of the subsidy granted to the consortium created by the applicants;
 - or the decision confirming that, adopted on 29 November 2013;
- order the defendant to pay the costs of the proceedings including the lawyers’ fees and pre-trial work.

Pleas in law and main arguments

In support of the action, the applicants rely on two pleas in law.

1. First plea in law, alleging infringement of the obligation to state reasons and infringement of the right to be treated fairly and of the general principle that agreements and contractual terms and conditions must be performed in good faith, in so far as the reasoning provided by the Commission is incorrect and or none of the terms and conditions for terminating the contract are met. The applicants claim that the fact that the objectives which the project was to meet were met by other means, thereby depriving the project of its objective, is not a valid reason to terminate the subsidy contract.