

**Form of order sought**

The applicants claim that the Court should:

- annul the Commission Decision of 10 September 2014 on the refusal to register the European Citizens' Initiative 'STOP TTIP' — C (2014)6501;
- order the Commission to pay the costs of the proceedings and the costs of any intervening party.

**Pleas in law and main arguments**

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

1. First plea in law: By assuming that the proposed citizens' initiative does not fall within its competence, the Commission infringed Article 11(4) TEU as well as Article 2(1) and Article 4(2)(b) of Regulation (EU) No 211/2011 <sup>(1)</sup>.
  - The applicants submit in that regard that the Commission's reasoning — that the intended recommendation to the Commission to withdraw the negotiating mandate for the 'Transatlantic Trade and Investment Partnership' (TTIP) is not directed at a 'legal act' within the meaning of Article 11(4) TFEU — is defective. For both the grant of the negotiating mandate and its withdrawal are decisions of the Council within the meaning of the fourth paragraph of Article 288 TFEU, which at the same time are 'legal acts' within the meaning of Article 11(4) TFEU.
  - The applicants further submit that the Commission's additional reasoning — that the citizens' initiative against the 'Comprehensive Economic and Trade Agreement' (CETA) and TTIP cannot require the Commission to refrain from recommending the Council to accept the respective negotiated international agreements, and also cannot require the Commission to recommend a decision on the non-acceptance of the respective negotiated agreements — is also defective. For it is in no way apparent from Article 11(4) TEU, Article 2(1) and Article 4(2)(b) of Regulation No 211/2011 that citizens' initiatives directed at the abolition of existing legal acts or citizens' initiatives directed at the non-adoption of proposed legal acts are to be inadmissible.
  - The applicants further submit that the non-registration of the 'STOP-TTIP' citizens' initiative is also unlawful because, in any event, the proposed citizens' initiative does not 'manifestly' fall outside the Commission's competence in accordance with Article 4(2)(b) of Regulation No 211/2011.
2. Second plea in law: Infringement of the general principles of good administrative practice as provided for in Article 41 of the Charter of Fundamental Rights of the European Union and of equal treatment as provided for in Article 20 of the Charter
  - The applicant takes the view that, by refusing, in the applicant's case, to register the citizens' initiative directed against TTIP and CETA, although it previously registered a citizens' initiative directed at the termination of the agreement with Switzerland on freedom of movement ('Swiss-Out-Initiative'), the Commission did not observe those principles.

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<sup>(1)</sup> Regulation (EU) No 211/2011 of the European Parliament and of the Council of 16 February 2011 on the citizens' initiative (OJ 2011 L 65, p. 1).

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**Action brought on 14 November 2014 — Legakis and Others v Council****(Case T-765/14)**

(2015/C 034/48)

*Language of the case: Greek***Parties**

*Applicants:* Georgios Legakis, Mirto Panagiota Legakis, Maria Legakis and Melina Legakis (Palaio Faliro, Greece) (represented by: V. Christianos, lawyer)

*Defendant:* Council of the European Union

### **Form of order sought**

The applicants claim that the General Court should:

- order the defendant to pay to the applicants the sum of EUR 1 991 194,40, as compensation for the damage caused to them by the defendant's unlawful actions, with interest from the date when they were unlawfully deprived of their deposits (29/03/2013) until the date of delivery of the judgment in this case together with late payment interest from the date of delivery of the judgment on the issue in this case until full payment;
- in the alternative, order the defendant to pay to the applicants 95 % of the above sum, that is the sum of EUR 1 891 634,68, as compensation for the damage caused to them by the defendant's unlawful actions, with interest from the date when they were unlawfully deprived of their deposits (29/03/2013) until the date of delivery of the judgment in this case together with late payment interest from the date of delivery of the judgment on the issue in this case until full payment;
- in the further alternative, itself determine the amount which the defendant should be ordered to pay to the applicants as compensation for the damage caused to them by the defendant's unlawful actions;
- order the defendant to pay to the applicants the sum of EUR 20 000 for each of the applicants (that is, a total sum of EUR 80 000), as compensation for the non-material damage caused to them by the infringement of the principle of equal treatment;
- order the defendant to pay to the applicants the sum of EUR 20 000 for each of the applicants (that is, a total sum of EUR 80 000), as compensation for the non-material damage caused to them by the infringement of the right to effective judicial protection, and
- order the defendant to pay the applicants' costs.

### **Pleas in law and main arguments**

By the present action the applicants seek, under the second paragraph of Article 340 TFEU, from the General Court of the European Union, which has jurisdiction under Article 268 TFEU, restitution for the damage suffered as a result of the defendant's unlawful conduct.

The applicants submit that that damage occurred when the defendant, acting outside the limits of its competence and in breach of secondary EU law and of the general principles of EU law, imposed and therefore caused the impairment of the applicants' bank deposits with the Cyprus Popular Bank Public Co Ltd. ('Laiki Bank') or, in any case, contributed to it.

In particular, the applicants submit that the defendant acted in breach of the following fundamental rights and general principles of EU law:

- first, infringement of the right to private property;
- second, infringement of the principle of equal treatment, and
- third, infringement of the applicants' right to judicial protection and of the principle of legal certainty.

The applicants submit that the conditions, stated in settled case-law, governing whether the defendant incurs non-contractual liability to make good the damage caused to them are satisfied.

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**Action brought on 29 November 2014 — El Corte Inglés v OHIM — STD Tekstil (MOTORTOWN)**

**(Case T-785/14)**

**(2015/C 034/49)**

*Language in which the application was lodged: Spanish*

### **Parties**

*Applicant:* El Corte Inglés, SA (Madrid, Spain) (represented by: J.L. Rivas Zurdo and M. Toro Gordillo, lawyers)