In support of its application, the applicant relies on three pleas in law.

1. First plea, alleging infringement of Articles 3 and 24 of the Italian Constitution, abuse of power, misuse of power due to an erroneous assumption, failure to conduct a proper investigation, error of fact and infringement and misapplication of Article 81 of the Financial Regulation of the European Union.

   — The applicant argues in that regard that the offsetting is implemented in contradiction of the European rules relating to the certainty of the amount, whether that amount is liquid and whether it is payable. In the present case, the alleged debt is contested by the debtor, as is clear from the correspondence attached. The Commission's decision is unilateral and, as such, infringes the principle of equality.

2. Second plea in law, alleging infringement and misapplication of the principle of effectiveness of Community law, infringement and misapplication of the principle of sound financial management and misuse of power due to failure to conduct a proper investigation.

   — The applicant argues in that regard that the amounts allocated for the research project of the Department of Innovative Engineering had to be used only to carry out the research for which they had been allocated and could not be the offset against debt relating to activities other than those established by the aforementioned research project, lest it infringe the principle of effectiveness. The contested measures infringe the principle of sound financial management since the Commission, by implementing the offset, did not use the money granted in accordance with its intended purpose.

3. Third plea in law, alleging infringement and misapplication of Article 296 TFEU.

   — The applicant argues in that regard that the contested act did comply with the obligation to state reasons in the provision referred to above, since it fails to state the source, the reasons, or the legal grounds for the decision to offset the sums owed to the Department of Innovative Engineering against those owed to the Department of Legal Science.

Appeal brought on 14 July 2015 by European Centre for Disease Prevention and Control (ECDC) against the judgment of the Civil Service Tribunal of 29 April 2015 in joined cases F-159/12 and F-161/12, *CJ v ECDC*

(Case T-395/15 P)

(2015/C 311/60)

Language of the case: English

Parties

Appellant: European Centre for Disease Prevention and Control (ECDC) (represented by: J. Mannheim and A. Daume, agents, D. Waelbroeck and A. Duron, lawyers)

Other party to the proceedings: CJ (Agios Stefanos, Greece)

Form of order sought by the appellant

The appellant claims that the Court should:

— annul the judgment of the Civil Service Tribunal of 29/04/2015 in joined cases F-159/12 and F-161/12, in respect of the plea challenged in the appeal, and

— to order the Respondent to pay the costs.

Pleas in law and main arguments

In support of the appeal, the Appellant relies on two pleas in law.

1. First plea in law, alleging an error in law on behalf of the Civil Service Tribunal with regards to the scope of the right to be heard.

   — Without relying on any case-law nor providing specific reasoning, the Civil Service Tribunal adopted an extensive interpretation of the scope of the right to be heard, applicable not only to allegations made vis-à-vis an individual, but also to the consequences ascribed to the behavior of that individual. Besides, the approach taken by the Civil Service Tribunal as to the scope of the right to be heard is contradicted by its very findings in the contested judgment.

2. Second plea in law, alleging an error of law on behalf of the Tribunal in the conclusion it reached further to the assessment as to whether in the absence of this alleged irregularity, the procedure might have led to a different result.

   — The Civil Service Tribunal having acknowledged that the relationship of trust between the Respondent and the Appellant was irreparably broken, the absence of the alleged irregularity would not have led to a different result.

Action brought on 20 July 2015 — Morgan & Morgan v OHIM — Grupo Morgan & Morgan (Morgan & Morgan)

(Case T-399/15)

(2015/C 311/61)

Language in which the application was lodged: English

Parties

Applicant: Morgan & Morgan International Insurance Brokers S.r.l. (Conegliano, Italy) (represented by: F. Gatti and F. Caricato, lawyers)

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

Other party to the proceedings before the Board of Appeal: Grupo Morgan & Morgan (Ciudad de Panamá, Panama)

Details of the proceedings before OHIM

Applicant: Applicant

Trade mark at issue: Community figurative mark containing the word elements 'Morgan & Morgan' — Application for registration No 11 596 087

Procedure before OHIM: Opposition proceedings

Contested decision: Decision of the First Board of Appeal of OHIM of 7 May 2015 in Case R 1657/2014-1