

7. Seventh plea in law, alleging that the ECB violated procedural rules including the right to be heard, the right of access to the file, the right to an adequately reasoned decision, and violation of Article 83(1) SSM Framework Regulation.

⁽¹⁾ Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions (OJ L 287, 29.10.2013, p. 63)

Appeal brought on 30 September 2016 José Barroso Truta, Marc Forli, Calogero Galante, Bernard Gradel against the judgment of the Civil Service Tribunal of 20 July 2016 in Case F-126/15, Barroso Truta and Others v Court of Justice

(Case T-702/16 P)

(2016/C 441/35)

Language of the case: French

Parties

Appellants: José Barroso Truta (Bofferdange, Luxembourg), Marc Forli (Lexy, France), Calogero Galante (Aix-Sur-Cloie, Belgium), Bernard Gradel (Konacker, France) (represented by S. Orlandi and T. Martin, lawyers)

Other party to the proceedings: Court of Justice of the European Union

Form of order sought by the appellants

The appellants claim that the Court should:

— Set aside the judgment of the Civil Service Tribunal in Case F-126/15, *Barroso Truta and Others v CJEU*;

and, giving judgment itself,

— Order the Court of Justice to pay EUR 61 121,08 on behalf of Mr Barroso Truta, EUR 129 440,98 on behalf of Mr Forli, EUR 76 324,29 on behalf of Mr Galante and EUR 99 565,13 on behalf of Mr Gradel, to any fund or insurance policy in the appellants' names;

— In the alternative, order the Court of Justice to pay the abovementioned amounts to the appellants, those sums to be paid together with interest calculated at a rate of 3,1 % per annum from the date of the transfer of the appellants' pension rights to the pension scheme of the EU institutions;

— Order the Court of Justice to pay the costs in both sets of proceedings.

Pleas in law and main arguments

In support of the appeal, the appellants rely on three pleas in law.

1. First plea in law, alleging that the Civil Service Tribunal (CST) erred in law by holding that the action for damages was inadmissible on the ground that the appellants did not observe the pre-litigation procedure, which allegedly should have commenced with the submission of a complaint, followed by a possible action for annulment of the decisions recognising the crediting of pensionable years in the pension scheme of the EU institutions.
2. Second plea in law, alleging that the CST erred in law by holding that the AECC had committed no administrative error when communicating proposals concerning additional pensionable years, which nevertheless proved to be incomplete or incorrect with regard to contract agents in function group I.

3. Third plea in law, alleging that the CST erred in law by holding that the harm claimed by the appellants was hypothetical.

Action brought on 7 October 2016 — Pebagua v Commission

(Case T-715/16)

(2016/C 441/36)

Language of the case: Spanish

Parties

Applicant: Asociación de la pesca y acuicultura del entorno de Doñana y del Bajo Guadalquivir (Pebagua) (Isla Mayor, Spain) (represented by: A. J. Uceda Sosa, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the General Court should:

- annul the contested implementing regulation;
- in the alternative, annul the inclusion of the species *Procambarus clarkii* in the list adopted by that regulation;
- order the applicant to pay the costs.

Pleas in law and main arguments

The present action is brought against Commission Implementing Regulation (EU) 2016/1141 of 13 July 2016 adopting a list of invasive alien species of Union concern pursuant to Regulation (EU) No 1143/2014 of the European Parliament and of the Council (OJ 2016 L 189, p. 4).

In support of its action, the applicant submits that, as regards the species *Procambarus clarkii*, the requirements laid down in Article 4 of Regulation 1143/2014 were not met and a risk assessment under the terms set out in Article 5(1) of that regulation was not carried out.

Action brought on 4 October 2016 — Waldhausen v EUIPO (Representation of the silhouette of a horse's head)

(Case T-717/16)

(2016/C 441/37)

Language of the case: German

Parties

Applicant: Waldhausen GmbH & Co. KG (Cologne, Germany) (represented by: V. Ekey, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: EU figurative mark (Representation of the silhouette of a horse's head) — Application for registration No 14 588 933