

Form of order sought

The applicant claims that the Court should:

- partially annul the contested decision in so far as the President incorrectly concludes therein, first, that the practices implemented by the Director for Communication in respect of the applicant, which are referred to in paragraphs 20 to 24, 25, 31, 34, 46, 50 and 51 of the report, did not constitute psychological harassment, second, that there was no need to initiate disciplinary proceedings against that Director and, third, that the contested decision finding that the applicant had been subjected to psychological harassment must remain strictly confidential;
- order the EIB to pay her compensation because of (i) the non-material damage which she suffered as a result of the psychological harassment by the Director for Communication confirmed in the contested decision and award her EUR 121 992 (one hundred and twenty-one thousand nine hundred and ninety-two euros) in that regard, (ii) the non-material damage which she suffered, and which can be separated from the illegality on which the partial annulment of the contested decision is based, and award her EUR 25 000 (twenty-five thousand euros) in that regard, and (iii) the non-material damage resulting from, first, the breach by the Director-General for Personnel of the independence of the reporting procedure conducted by the Compliance Officer and, second, the intimidation of the applicant or the threat of retaliation made by the Director-General for Personnel, and award the applicant EUR 25 000 (twenty-five thousand euros) in that regard;
- order the EIB to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging errors of law and manifest errors of assessment as regards the categorisation of some of the practices complained of by the applicant by which the decision of the European Investment Bank (EIB) of 20 March 2017 ('the contested decision') is vitiated. This plea is divided into two parts:
 - First part, alleging errors of law in the application of the requirement that acts of psychological harassment must be repetitive;
 - Second part, alleging manifest errors of assessment resulting from the fact that some of the practices complained of were objectively such as to damage self-confidence and self-esteem.
2. Second plea in law, alleging errors connected with a failure to initiate disciplinary proceedings, and divided into two parts:
 - First and main part, alleging an error of law;
 - Second part, raised in the alternative, alleging a manifest error of assessment and/or infringement of the principle of proportionality.
3. Third plea in law, alleging errors of law and manifest errors of assessment as regards the obligation imposed on the applicant to keep confidential the contested decision finding that she had been subjected to psychological harassment by the Director for Communication.

Action brought on 28 June 2017 — Dalli v Commission

(Case T-399/17)

(2017/C 277/71)

Language of the case: English

Parties

Applicant: John Dalli (St. Julians, Malta) (represented by: L. Levi and S. Rodrigues, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- order the compensation of the prejudice, notably the moral prejudice, estimated on a provisional basis at 1 000 000 euros;
- order to the defendant to bear the entire costs.

Pleas in law and main arguments

In support of the action for indemnification, the applicant relies on two pleas in law with regard to the claimed illegality.

1. First plea in law, alleging that the OLAF's conduct was unlawful

- The OLAF's unlawful conducts are, notably, the following ones: illegality of the decision to open the investigation; flaws in the characterization of the investigations and illegality of the extension of the scope of the investigation; violation of the principles for gathering evidence (including distortion and falsification of evidence), of the rights of defence and of various EU provisions (as Articles 339 of the Treaty on the Functioning of the European Union, Articles 4, 8 and 11(7) of Regulation (EC) No 1073/1999, Article 4 of Commission Decision No 1999/396, Article 18 of the OLAF instructions, and Article 13(5) of the Supervisory Committee's Rules) as well as of the violation of the principle of presumption of innocence and of the right to the protection of personal data.

2. Second plea in law, alleging the Commission's conduct was unlawful

- The Commission's unlawful conducts are the following ones: violation of the principle of sound and good administration and of the duty to behave in an objective, impartial and loyal manner and in the respect of the principle of independence, as well as the violation of the OLAF independence.

Action brought on 27 June 2017 — Vienna International Hotelmanagement v EUIPO (Vienna House)

(Case T-402/17)

(2017/C 277/72)

Language of the case: German

Parties

Applicant: Vienna International Hotelmanagement AG (Vienna, Austria) (represented by: M. Zrzavy, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: EU word mark 'Vienna House' — Application No 14 501 357

Contested decision: Decision of the Fourth Board of Appeal of EUIPO of 25 April 2017 in Case R 333/2016-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs.