

- oblige the defendant to allow the applicant to correct a clear error, by altering the level of knowledge of the Polish language from B1 to C1;
- restore the applicant to the Lithuanian-language lawyer-linguist competition.

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

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

1. The basis of the first plea in law is that the defendant infringed the applicant's legitimate expectations and misled him when it confirmed that his application to participate in the competition met all the requirements.
  - The applicant states that the defendant, having confirmed on 9 January 2017 that his application met all the requirements of the competition notice and having allowed him to participate in the computer-based tests, misled him and did not grant him the opportunity of correcting a clear clerical error relating to the level of knowledge of the Polish language and on account of which he was later eliminated from the competition.
2. The basis of the second plea in law is that the defendant infringed the applicant's rights and legitimate expectations when it eliminated him from the competition for Lithuanian-language lawyer-linguist posts.
  - The applicant maintains that, by the decision of 4 April 2017, the defendant, in taking account of the level of knowledge of the Polish language specified in the application, eliminated him from the competition unjustifiably, because the defendant is aware of his actual level of knowledge of the Polish language on the basis of the information provided in the application for another competition (EPSO/AD/328/16) and of the results of that competition. The applicant states that, according to the case-law of the General Court, the selection board is responsible for duly assessing the diplomas or degrees submitted or the professional competence presented by each candidate, and its decision to eliminate a candidate from a competition is considered to be an act adversely affecting a person, as envisaged in Article 91(1) of the Staff Regulations.

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### **Action brought on 14 July 2017 — António Conde & Companhia v Commission**

**(Case T-443/17)**

(2017/C 293/49)

*Language of the case: English*

### **Parties**

*Applicant:* António Conde & Companhia, SA (Gafanha de Nazaré, Portugal) (represented by: J. García-Gallardo Gil-Fournier, lawyer)

*Defendant:* European Commission

### **Form of order sought**

The applicant claims that the Court should:

- annul the Commission's decision refusal to forward promptly to the Secretary of the North-East Atlantic Fisheries Commission the names of the Portuguese-licensed vessels SANTA ISABEL and CALVÃO, thus preventing them from operating, as from 1 July 2017, in the fishing zones of the North-East Atlantic, in order to fish for redfish and shrimp, and thereby infringing Article 5(1) of Regulation No 1236/2010 <sup>(1)</sup>;
- order the Commission to pay the costs.

**Pleas in law and main arguments**

In support of the action, the applicant relies on a single plea in law, alleging that the defendant has acted in breach of Article 5(1) of Regulation No 1236/2010 by interfering in the process of drafting or communication of the list of vessels drawn up by Portugal for forwarding to the Secretary of the North-East Atlantic Fisheries Commission. The defendant is not entitled to comment upon, amend, make recommendations regarding, assess, deny, draft or put pressure on the Member States in respect of such lists.

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<sup>(1)</sup> Regulation (EU) No 1236/2010 of the European Parliament and of the Council of 15 December 2010 laying down a scheme of control and enforcement applicable in the area covered by the Convention on future multilateral cooperation in the North-East Atlantic fisheries and repealing Council Regulation (EC) No 2791/1999 (OJ 2010 L 348, p. 17).

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**Order of the General Court of 17 July 2017 — Aston Martin Lagonda v EUIPO (Representation of a grille positioned on the front of a motor vehicle)**

**(Case T-86/15) <sup>(1)</sup>**

(2017/C 293/50)

*Language of the case: English*

The President of the First Chamber has ordered that the case be removed from the register.

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<sup>(1)</sup> OJ C 138, 27.4.2015.

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**Order of the General Court of 17 July 2017 — Aston Martin Lagonda v EUIPO (Representation of a radiator grille)**

**(Case T-88/15) <sup>(1)</sup>**

(2017/C 293/51)

*Language of the case: English*

The President of the First Chamber has ordered that the case be removed from the register.

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<sup>(1)</sup> OJ C 138, 27.4.2015.

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**Order of the General Court of 17 July 2017 — DQ and Others v Parliament**

**(Case T-38/17) <sup>(1)</sup>**

(2017/C 293/52)

*Language of the case: French*

The President of the First Chamber has ordered that the case be removed from the register.

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<sup>(1)</sup> OJ C 104, 3.4.2017.

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