

Pleas in law and main arguments

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

1. First plea in law, alleging infringement of the obligation to state reasons
 - The Commission's conclusion that the economic conditions were fulfilled with respect to the subject authorisation for inward processing fails to state any reasons on which the conclusion is based.
2. Second plea in law, alleging manifest error of assessment of facts
 - The Commission's conclusion that the subject authorisation for inward processing would not adversely affect the essential interests of Union producers is based upon a manifest error of assessment of the facts.
3. Third plea in law, alleging infringement of Article 211(4)(b) UCC ⁽¹⁾ and the basic Regulation ⁽²⁾
 - In concluding that the economic conditions were fulfilled with respect to the subject authorisation for inward processing, the Commission failed to limit its assessment to the factors set out in Article 211(4)(b) of the Union Customs Code (UCC) and based its assessment on factors that can only be reviewed under the procedure set out in the basic Regulation.
4. Fourth plea in law, alleging infringement of Article 259(4) of the UCC IA and the horizontal rules on operation of Commission expert groups
 - To the extent that the Commission delegated the conclusion on economic conditions to the Customs Expert Group, it infringed Article 259(4) of the UCC Implementing Act ⁽³⁾ (UCC IA) and the Commission's horizontal rules on the creation and operation of Commission expert groups.
5. Fifth plea in law, alleging infringement of rights of defence
 - By failing to disclose certain important information provided in the subject application for inward processing authorisation or non-confidential summaries of the information in sufficient detail to permit a reasonable understanding of the substance of the information submitted in confidence, the Commission infringed applicants' rights of defence.

⁽¹⁾ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ 2013, L 269, p. 1).

⁽²⁾ Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community (OJ 2009, L 343, p. 5).

⁽³⁾ Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ 2015, L 343, p. 558).

Action brought on 28 August 2017 — Wall Street Systems UK v ECB

(Case T-579/17)

(2017/C 347/62)

Language of the case: English

Parties

Applicant: Wall Street Systems UK Ltd (London, United Kingdom) (represented by: A. Csaki, lawyer)

Defendant: European Central Bank (ECB)

Form of order sought

The applicant claims that the Court should:

- declare null and void the decision of the European Central Bank (ECB) on the contract award to another tenderer in the form of the appeal decision of 17 August 2017, as well as all future decisions related thereto;

— order the defendant to borne the costs of the proceedings.

Pleas in law and main arguments

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

The applicant is contesting the decision by the defendant regarding the contract award to another tenderer, in the form of the appeal decision of 17 August 2017, with the request for the annulment of this and future associated decisions (particularly any contract award). The aforementioned decision was handed down in breach of Decision (EU) 2016/245 of the European Central Bank ⁽¹⁾ and applicable European law, in particular in breach of the principles of transparency, non-discrimination and cost-efficiency.

⁽¹⁾ Decision (EU) 2016/245 of the European Central Bank of 9 February 2016 laying down the rules on procurement (OJ 2016, L 45, p. 15).

Action brought on 28 August 2017 — Unigroup v EUIPO — Pronova Laboratories (nailicin)

(Case T-587/17)

(2017/C 347/63)

Language in which the application was lodged: English

Parties

Applicant: Unigroup ApS (Lyngby, Denmark) (represented by: M. Rijdsdijk, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Pronova Laboratories BV (Amsterdam, Netherlands)

Details of the proceedings before EUIPO

Applicant of the trade mark at issue: Applicant

Trade mark at issue: EU word mark 'nailicin' — Application for registration No 14 096 499

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the fifth Board of Appeal of EUIPO of 9 June 2017 in Case R 2359/2016-5

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- declare Benelux registration no. 894 557 unsubstantiated and remit the matter to the Opposition Division or Board of Appeal of EUIPO;
- order EUIPO to pay the costs.

Plea in law

- violation of Rule 19 of Commission Regulation No 2868/95 implementing Council Regulation No 40/94 on the Community trade mark.
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