

Action brought on 21 September 2018 — VE v ESMA**(Case T-567/18)**

(2018/C 436/76)

*Language of the case: English***Parties***Applicant:* VE (represented by: N. Flandin and L. Levi, lawyers)*Defendant:* European Securities and Markets Authority (ESMA)**Form of order sought**

The applicant claim that the Court should:

- annul the decision of ESMA of 11 June 2018 rejecting the complaint lodged by the applicant challenging the decision of ESMA of 14 November 2017 which terminates the applicant's employment at ESMA;
- together with, and in so far as necessary, annul the decision of ESMA of 14 November 2017;
- order the compensation of the moral prejudice suffered by the applicant;
- order the defendant to pay all the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging that there has been no notification to the applicant of the decision to terminate his employment contract in the appropriate notice period, as defined by his contract.
2. Second plea in law, alleging a breach of the right to be heard.
3. Third plea in law, alleging a breach of the duty to state reasons, according to Article 41(2) of the Charter of Fundamental Rights of the European Union, providing the obligation of the administration to give reasons for its decisions.
4. Fourth plea in law, alleging a wrongful legal ground for the decision to reject the applicant's demands as well as the termination decision, since both are based on the 2016 appraisal report which is vitiated by manifest errors of appreciation.
5. Fifth plea in law, alleging a breach of the principle of proportionality.
6. Sixth plea in law, alleging a breach of the duty of care falling on the defendant, with regard to the applicant's health problems and his general working conditions.

Action brought on 25 September 2018 — W. Kordes' Söhne Rosenschulen v EUIPO (Kordes' Rose Monique)**(Case T-569/18)**

(2018/C 436/77)

*Language in which the application was lodged: German***Parties***Applicant:* W. Kordes' Söhne Rosenschulen GmbH & Co KG (Klein Offenseth-Sparrieshoop, Germany) (represented by: G. Würtenberger, lawyer)