

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- maintain the decision of the Design Invalidation Division of EUIPO of 30 October 2017 rejecting the application for declaration of invalidity of the registered Community design No 1664 368-0006;
- order EUIPO and, if the other party to the proceedings before EUIPO intervenes, the intervener, to bear the costs of the proceedings.

**Pleas in law**

- Infringement of Article 8(3) of Council Regulation (EC) No 6/2002;
- Infringement of Article 8(1) of Council Regulation (EC) No 6/2002;
- Infringement of Article 62 of Council Regulation (EC) No 6/2002.

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**Action brought on 22 July 2019 — Sipcam Oxon v Commission**

(Case T-518/19)

(2019/C 305/75)

*Language of the case: English*

**Parties**

*Applicant:* Sipcam Oxon SpA (Milano, Italy) (represented by: C. Mereu, P. Sellar, lawyers)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- declare the application admissible and well-founded;
- annul the contested Commission Implementing Regulation (EU) 2019/677 of 29 April 2019;
- order the defendant to pay all the costs and expenses of these proceedings.

**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 that the contested Regulation was adopted further to manifest errors of assessment.

2. Second plea in law, alleging that the contested Regulation results from a procedure during which the applicant's rights of defence have not been respected.
3. Third plea in law, alleging that the contested Regulation was adopted in breach of the principle of legal certainty because of the incorrect application of guidelines.
4. Fourth plea in law, alleging that the contested Regulation was adopted in breach of the principle of proportionality.
5. Fifth plea in law, alleging that the contested Regulation was adopted in breach of the precautionary principle.

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**Action brought on 22 July 2019 — Forte v Parliament**

**(Case T-519/19)**

(2019/C 305/76)

*Language of the case: Italian*

**Parties**

*Applicant:* Mario Forte (Naples, Italy) (represented by: C. Forte and G. Forte, lawyers)

*Defendant:* European Parliament

**Form of order sought**

The applicant claims that the Court should:

- Primarily, annul the contested act;
- Primarily, annul every previous and subsequent preparatory act connected to the contested act which has legal effects in regard to the applicant;
- Order the European Parliament to pay the costs of the proceedings.

**Pleas in law and main arguments**

The present action has been brought against European Parliament Decision D (2019) 20777, signed by Mr Sune Hansen, Head of the Members' Salaries and Social Entitlements Unit, Directorate for financial and social entitlements, Directorate-General for Finance of the European Parliament, revising retirement pension rights following the entry into force on 1 January 2019 of Resolution No 14/2018 of the Office of the Italian Chamber of Deputies and ordering recovery of the amounts unduly paid out.

The pleas in law and main arguments are similar to those relied on in Cases T-345/19, *Santini v Parliament*; T-347/19, *Falqui v Parliament* and T-389/19, *Coppo Gavazzi v Parliament*.

The applicant claims, in particular, that the reasoning for the contested decision is illogical; that there was no evaluation of the lawfulness of Resolution No 14/2018 in relation to the general EU-law principles of reasonableness, proportionality, certainty, predictability, legitimate expectations and the protection of acquired rights; infringement of Article 6 TEU; infringement of the Implementing Measures for the Statute for Members of the European Parliament; infringement of the Financial Regulation; failure to observe the principles of equality and non-retroactivity of legal rules; and failure to observe the principle of access to protection and justice.

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