

In support of this plea, the applicant submits as follows: first, that the elements needed to justify an extension of the opening of a State aid investigation are manifestly absent from the case; second, that the Commission made a manifest error of assessment and an error of fact in finding that the tax rulings provide an advantage; third, that the Commission made a manifest error of assessment and an error of fact in finding that the tax rulings are selective; fourth, that the Commission made a manifest error of assessment and an error of fact in finding that the tax rulings are liable to distort competition and/or have an effect on intra-Community trade; and fifth, that the contested decision lacks reasoning.

3. Third plea in law, alleging that the contested decision errs in law in diverting the Commission's initial investigation and artificially 'extending' the Income Tax Act procedure to rulings.

Action brought on 11 November 2016 — QD v EUIPO

(Case T-787/16)

(2017/C 022/55)

Language of the case: English

Parties

Applicant: QD (Alicante, Spain) (represented by: H. Tettenborn, lawyer)

Defendant: European Union Intellectual Property Office

Form of order sought

The applicant claims that the Court should:

- annul the decision of EUIPO of 4 March 2016 not to adopt a definitive decision regarding the applicant's request of 19 January 2016 for a second renewal of her contract concluded under Art. 2(f) CEOS and to defer a definitive decision about the applicant's request of 19 January 2016 for a second renewal of her contract concluded under Art. 2(f) CEOS to a 'specific procedure' in the future; and
- order EUIPO to pay the procedural costs.

Pleas in law and main arguments

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

1. First plea in law, alleging that the EUIPO has infringed the relevant provisions of the SR and CEOS, namely Art. 90(1) SR (in connection with Art. 46 CEOS), Annex III to the SR, Art. 2, 8, 53, CEOS, 110 SR;
 2. Second plea in law, alleging that the EUIPO breached its fiduciary duty;
 3. Third plea in law, alleging that the EUIPO breached the principle of sound administration (Art. 41 (1), Art. 41 (2)(3) of the Charter of Fundamental Rights of the EU (CFR));
 4. Fourth plea in law, alleging that the EUIPO committed a misuse of power.
-