

— order EUIPO to pay the costs.

Plea in law

— Erroneous application of Article 7(1)(b) and (c) of Regulation No 2017/1001.

Action brought on 27 December 2017 — Aeris Invest v ECB

(Case T-827/17)

(2018/C 063/24)

Language of the case: Spanish

Parties

Applicant: Aeris Invest Sàrl (Luxembourg, Luxembourg) (represented by: R. Vallina Hoset, A. Sellés Marco, C. Iglesias Megías and A. Lois Perreau de Pinninck, lawyers)

Defendant: European Central Bank (ECB)

Form of order sought

The applicant claims that the Court should:

- Annul the Decisions of the ECB LS/MD/17/405, LS/PT/17/406 and LS/MD/17/419 of 7 November 2017; and
- Order the ECB to pay the costs.

Pleas in law and main arguments

In accordance with Article 263 TFEU and Article 8(3) of the Decision of the European Central Bank of 4 March 2004 on public access to European Central Bank documents (ECB/2004/3), this action seeks annulment of the Decisions of the European Central Bank LS/MD/17/405, LS/PT/17/406 and LS/MD/17/419 of 7 November 2017 relating to confirmatory requests for access to ECB documents.

In support of the action, the applicant relies upon four pleas in law:

1. First plea in law: Decisions LS/MD/17/405, LS/PT/17/406 and LS/MD/17/419 infringe Article 4(1)(c) of the Access Decision inasmuch as they deny the applicant access to information on the grounds that the documents are claimed to be, fully or in part, protected by a general presumption of non-accessibility because they are confidential documents covered by the principle of professional secrecy applicable to the institutions.
2. Second plea in law: Decision LS/PT/17/406 infringes the second and sixth indents of Article 4(1)(a) of the Access Decision inasmuch as it states that disclosure of Banco Popular's use of ELA (emergency liquidity assistance) in the days preceding its resolution and of information regarding its liquidity situation and capital ratios could in fact specifically sap the efficiency of the monetary policy and financial stability of the Union or of a Member State.
3. Third plea in law: Decision LS/PT/17/406 and Decision LS/MD/17/419 infringe the first indent of Article 4(2) of the Access Decision by stating that the documents and information requested are commercially sensitive material that could affect the commercial interests of the Banco Popular and Banco Santander.

4. Fourth plea in law: the ECB has infringed Article 47 of the Charter of Fundamental Rights of the European Union by denying the applicant access to the documents upon which the ECB based its decision to declare the resolution of the Banco Popular.

Action brought on 22 December 2017 — Quadri di Cardano v Commission

(Case T-828/17)

(2018/C 063/25)

Language of the case: French

Parties

Applicant: Alessandro Quadri di Cardano (Alicante, Spain) (represented by: N. de Montigny and J.-N. Louis, lawyers)

Defendant: European Commission

Form of order sought

Declare and rule:

- That the decision of the PMO of 28 February 2017 notifying the applicant that the expatriation allowance of 16 % granted to him and the transport expenses which he had received under Article 4 of Annex VII to the Staff Regulations, during the period of employment at EASME, with effect from 16 May 2014, is annulled;
- Insofar as necessary, that the salary slips corrected following the notification of that decision [are annulled];
- That the defendant shall pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging infringement of Article 85 of the Staff Regulations of Officials of the European Union.
2. Second plea in law, alleging infringement of the principle of legitimate expectations and the principle of legal certainty, a manifest error of assessment and infringement of the principle of sound administration.

Action brought on 27 December 2017 — Coesia v EUIPO (Representation of a circular shape consisting of two oblique red lines)

(Case T-829/17)

(2018/C 063/26)

Language of the case: Italian

Parties

Applicant: Coesia SpA (Bologna, Italy) (represented by S. Rizzo, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: EU figurative mark (Representation of a circular shape consisting of two oblique red lines) — Application for registration No 13 681 151.

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 29 September 2017 in Case R 1272/2017-5.