

- alters the basic provision by taking into consideration two additional conditions that are not included in the provision at issue;
  - renders Article 429(14) of Regulation No 575/2013 ineffective.
3. Third plea in law, alleging that the contested decision is vitiated by several manifest errors of assessment, in particular with regard to the nature of the centralised regulated saving funds, with regard to the implications associated with inclusion of the funds in the bank's balance sheet and with regard to the adjustment mechanism for centralised funds.
  4. Fourth plea in law, alleging infringement of several general principles of EU law, namely the principle of proportionality, the principle of legal certainty and the principle of sound administration in so far as the ECB breached its duty to exercise due diligence.
  5. Fifth plea in law, alleging a failure to state reasons for the contested decision inasmuch as, although the ECB was subject to an enhanced obligation to state reasons, the contested decision was inadequately and ambiguously reasoned.

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**Action brought on 31 October 2016 — *Crédit Agricole* v ECB**

**(Case T-758/16)**

(2017/C 006/56)

*Language of the case: French*

**Parties**

*Applicant:* *Crédit Agricole SA* (Montrouge, France) (represented by: A. Champsaur and A. Delors, lawyers)

*Defendant:* European Central Bank

**Form of order sought**

The applicant claims that the General Court should:

- annul, pursuant to Articles 256 TFEU and 263 TFEU, Decision ECB/SSM/2016 — 969500TJ5KRTCJQWXH05/165 adopted by the European Central Bank on 24 August 2016;
- order the European Central Bank to pay all of the costs.

**Pleas in law and main arguments**

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

1. First plea in law, alleging an error of law committed by the European Central Bank (ECB) in interpreting the provisions of Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ 2013 L 176, p. 1) ('Regulation No 575/2013').

The applicant thus criticises, inter alia, the decision of the ECB of 24 August 2016 dismissing the application which it had submitted for authorisation to exclude public-sector exposures from the calculation of the leverage ratio ('the contested decision'):

- for being at variance with the intention of the European legislature and the objectives pursued by Regulation No 575/2013;
  - for rendering Article 429(14) of that regulation entirely ineffective;
  - for constituting an encroachment by the ECB on the powers of the European legislature.
2. Second plea in law, alleging a manifest error of law vitiating the contested decision in the assessment of the prudential risk associated with regulated savings, in so far as the ECB failed to take into consideration the legal framework, the empirical data relating to such savings and the relevant reports of the European Banking Authority, and in so far as it also committed such an error of assessment in regard to the risk of leverage as well as other associated prudential risks.

3. Third plea in law, alleging infringement of the principle of proportionality, vitiating the contested decision, in so far as that decision (i) infringes the general principle of proportionality enshrined in Article 5 of the Treaty on European Union and (ii) fails to meet the specific requirements attached to the principle of proportionality in matters of prudential supervision, which require that prudential requirements be adapted to the business model of the bank and to the associated risks for the financial sector and the economy.

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**Action brought on 4 November 2016 — Basil v EUIPO — Artex (Bicycle baskets)**

**(Case T-760/16)**

(2017/C 006/57)

*Language in which the application was lodged: German*

**Parties**

*Applicant:* Basil BV (Silvolde, Netherlands) (represented by: N. Weber and J. von der Thüsen, lawyers)

*Defendant:* European Union Intellectual Property Office (EUIPO)

*Other party to the proceedings before the Board of Appeal:* Artex SpA (Zeno di Cassola, Italy)

**Details of the proceedings before EUIPO**

*Proprietor of the design at issue:* Applicant

*Design at issue:* Community design No 142 245-0001

*Contested decision:* Decision of the Third Board of Appeal of EUIPO of 7 July 2016 in Case R 535/2015-3

**Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order the defendant and, if applicable, the other parties involved to pay the costs of the proceedings.

**Pleas in law**

- Infringement of Article 52(3) of Regulation No 6/2002;
- Infringement of Article 7 of Regulation No 6/2002, infringement of principles relating to the burden of proof and infringement of rules of logic in the evaluation of evidence;
- Infringement of Article 6 of Regulation No 6/2002.

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**Action brought on 31 October 2016 — PY v EUCAP Sahel Niger**

**(Case T-763/16)**

(2017/C 006/58)

*Language of the case: French*

**Parties**

*Applicant:* PY (Souffelweyersheim, France) (represented by: S. Rodrigues and A. Tymen, lawyers)

*Defendant:* EUCAP Sahel Niger (Niamey, Niger)