

### 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 infringement of the General Instructions on the preparation of staff reports and of the procedure, infringement of the rights of the defence and infringement of the duty of care, committed by the defendant in adopting the staff report for 2015 ('the contested staff report'). The applicant raises the following complaints in particular:
  - the lack of dialogue and the infringement of the rights of the defence;
  - the contested staff report does not set out any suggestions for improvement or set any objectives in the manner required by the General Instructions for the preparations of staff reports, which constitutes an infringement of the duty of care;
  - the lack of any intervention by an uninvolved supervisor.
2. Second plea in law, alleging infringement of the rules of objectivity and impartiality and infringement of Article 41 of the Charter of Fundamental Rights of the European Union ('the Charter') vitiating the contested staff report.
  - The applicant is of the opinion that the particular circumstances of the present case show that the reporting officers, and particularly the second reporting officers, were not capable of fulfilling their role objectively and impartially.
3. Third plea in law, alleging a manifest error. The applicant has set out evidence which renders the assessments of the facts in the contested staff report implausible.
4. Fourth plea in law, alleging that the decision of 15 December 2015 refusing the applicant the benefit of a salary progression is based on an unlawful staff report.
5. Fifth plea in law, alleging infringement of the 2015 guidelines and the procedure and infringement of Article 41 of the Charter in that the decision of 15 December 2015 does not state any reasons and the applicant was not heard in advance.

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**Action brought on 25 November 2016 — CRDO Torta del Casar v EUIPO — CRDOP 'Queso de La Serena' (QUESO Y TORTA DE LA SERENA)**

**(Case T-828/16)**

(2017/C 022/73)

*Language in which the application was lodged: Spanish*

### Parties

*Applicant:* Consejo Regulador de la Denominación de Origen Torta del Casar (Casar de Cáceres, Spain) (represented by: A. Pomares Caballero and M. Pomares Caballero, lawyers)

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

*Other party to the proceedings before the Board of Appeal:* Consejo Regulador de la Denominación de Origen Protegida 'Queso de La Serena' (Castuera, Spain)

### Details of the proceedings before EUIPO

*Applicant:* Other party to the proceedings before the Board of Appeal

*Trade mark at issue:* European Union figurative mark containing the word elements 'QUESO Y TORTA DE LA SERENA' — Application for registration No 10 486 447

*Procedure before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the Fourth Board of Appeal of EUIPO of 26 September 2016 in Case R 2573/2014-4

### **Form of order sought**

The applicant claims that the Court should:

- vary the contested decision, finding that the conditions for applying the relative ground for refusal of registration in Article 8(4) of Regulation No 207/2009, in conjunction with Article 13(1) of Regulation No 510/2006, are met;
- alternatively, annul the contested decision; and
- in any event, order EUIPO to bear its own costs and to pay those incurred by the applicant (including the costs relating to the proceedings before the Board of Appeal).

### **Pleas in law**

- Infringement of Article 2(2) and Article 3(1) of Regulation No 510/2006, read in conjunction with Article 13(1) of the same regulation, and with reference, lastly, to Article 8(4) of Regulation No 207/2009.
- Infringement of Article 13(1) of Regulation No 510/2006, with reference to Article 8(4) of Regulation No 207/2009.
- Infringement of Article 75 of Regulation No 207/2009.
- Infringement of the general principles of legal certainty and sound administration.

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**Action brought on 25 November 2016 — Mouvement pour une Europe des nations et des libertés v  
Parliament**

**(Case T-829/16)**

(2017/C 022/74)

*Language of the case: French*

### **Parties**

*Applicant:* Mouvement pour une Europe des nations et des libertés (Paris, France) (represented by: A. Varaut, lawyer)

*Defendant:* European Parliament

### **Form of order sought**

The applicant claims that the Court should:

- annul Decision D106185 of the Bureau of the European Parliament of 12 September 2016, notified by Mr [X] on 26 September 2016, declaring ineligible the expenditure resulting from the posters for MENL's 'Schengen' campaign;
- order the Bureau of the European Parliament to pay the costs.