

Form of order sought by the appellant

The appellant claims that the Court should:

- set aside the judgment of the European Civil Service Tribunal of 13 November 2014 in Case F 2/12 *Hristov v Commission and EMA*,
- refer the case back to the Civil Service Tribunal, for a ruling on the other pleas in support of the appeal,
- reserve the costs of the appeal.

Pleas in law and main arguments

In support of the appeal, the appellant relies on four pleas in law:

- the Civil Service Tribunal infringed EU law by attributing to the principle of good administration a scope which it does not have;
- in the alternative, the Civil Service Tribunal infringed the principle of proportionality by failing to determine, before making the annulment, whether the failure to observe the principle of good administration could have affected the contents of the contested decision;
- in the further alternative, the Civil Service Tribunal, in any event, infringed EU law by failing to balance the respective interests and failing to limit the effects of its judgments;
- in the final alternative, the Civil Service Tribunal infringed EU law by holding that the unlawfulness of the Commission's decision necessarily led to the decision adopted by the EMA being unlawful.

Action brought on 3 February 2015 — PAN Europe v Commission**(Case T-51/15)**

(2015/C 118/42)

*Language of the case: English***Parties**

Applicant: Pesticide Action Network Europe (PAN Europe) (Brussels, Belgium) (represented by: B. Kloostra, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the Commission's decision of 24 November 2014 with reference Ares(2014)3900631 ('the contested decision'), in which the Commission confirmed for the most part its decision of 3 June 2014 with reference Ares(2014)2150615 in which the Commission took a decision on the request for information of PAN Europe of 3 January 2014 (registered by the Commission on 6 January 2014);
- order the Commission to pay the costs of the proceedings.

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 that by adopting the contested decision, the Commission acted in breach of and wrongly did not or only partially apply Regulation (EC) No 1367/2006, because:
 - the Commission acted in breach of Article 2(1)(d) of Regulation (EC) No 1367/2006 by overlooking the fact that the requested information qualifies as environmental information;
 - the Commission acted in breach of the Articles 6(1) of Regulation (EC) No 1367/2006 and 4(3) of Regulation (EC) No 1049/2001 by not interpreting the ground of refusal of Article 4(3) of Regulation (EC) No 1049/2001 in conformity with Article 4(3) second paragraph of the Aarhus Convention or/and in a sufficient restrictive way, by not weighing the specific interest of protection of the decision-making process invoked by the Commission against the general interests of the disclosure of environmental information and by not stating sufficient reasons for the refusal;
 - the Commission acted in breach of the Articles 6(1) of Regulation (EC) No 1367/2006 and 4 of Regulation 1049/2001 by not examining specifically and individually the documents referred to in the request for access and by not justifying for each specific document for which reason it should not be disclosed.
2. Second plea in law, alleging that the Commission by adopting the Contested Decision acted in breach of Regulation (EC) No 1049/2001, especially of Article 4 of that Regulation and/or more specifically of Article 4(3) thereof because it failed to demonstrate that the invoked ground of refusal applies, it wrongly did not weigh the interests served with disclosure and wrongly and in breach of Article 4 of Regulation (EC) No 1049/2001 did not examine specifically and individually the documents referred to in the request for access to documents.

**Action brought on 2 February 2015 — Raimund Schmitt Verpachtungsgesellschaft v OHIM
(Brauwelt)**

(Case T-56/15)

(2015/C 118/43)

Language of the case: German

Parties

Applicant: Raimund Schmitt Verpachtungsgesellschaft mbH & Co. KG (Nuremberg, Germany) (represented by: M. Höfler, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)

Details of the proceedings before OHIM

Trade mark at issue: Community word mark 'Brauwelt'– Application No 12 038 551

Contested decision: Decision of the Fourth Board of Appeal of OHIM of 4 December 2014 in Case R 1121/2014-4

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order OHIM to pay the costs.