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

1. First plea in law, alleging infringement of Article 4(2) of Regulation (EC) No 1049/2001

   — The applicant submits in this regard that the right of access to documents is one of the means by which the principle of transparency — one of the fundamental principles on which the European Union itself is founded, to the extent that it is stated in the first article of the Treaty on European Union — is put into effect and guaranteed. As a result, the institution to which the application was made cannot merely state that it does not grant access to the document because it contains confidential information; instead it must conduct a detailed and accurate examination of its contents in order to allow access to the document after any parts or pieces of information considered commercially sensitive have been redacted in order to protect their confidentiality. The Agency may not generically rely on the protection of business arrangements or agreements which may be reflected in the PMF, expressing fears of detriment to the holder's interests, where that objection is irrelevant as regards the application for access to the part of the document which contains the list of collection centres.

2. Second plea in law, alleging that the contested decision is unlawful on account of a misuse of powers, a lack of reasoning and illogical and contradictory reasoning.

   — The applicant submits in this regard that Article 4(2) of Regulation No 1049/2001 provides that, even where the document requested contains commercially sensitive information, access may be permitted where there is an overriding public interest in disclosure of the information contained therein. In that regard, the defendant, invoking case-law, states that it is for the applicant to refer to specific circumstances to establish an overriding public interest which justifies the disclosure of the documents containing commercially sensitive information. However, that cannot (i) exempt the institution to which the application was made from recognising an overriding public interest justifying the disclosure of the document when it is easily recognisable, or (ii) justify the conclusion, in respect of the circumstances referred to by the applicant, based on the observation that since these were not the findings from inspections carried out in the past it must be held that the changeover between undertakings involved in the management of the service of collecting plasma produced from blood banks, as well as the production, storage and delivery of medicinal products derived from plasma, can occur smoothly without undermining the public interest.

(1) OJ 2001 L 145, p. 43.

Action brought on 7 September 2020 — Spisto v Commission

(Case T-572/20)

(2020/C 371/31)

Language of the case: French

Parties

Applicant: Amanda Spisto (Amsterdam, Netherlands) (represented by: N. de Montigny, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul the decision of 24 September 2019 rejecting her request for review of competition EPSO/AD/371/19 — Field 1;

— annul, in so far as is necessary, the decision dated 26 May 2020 rejecting the complaint;

— order the defendant to pay 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 illegality of the competition notice on the basis of which the contested decision was adopted, on the ground that it breached the principles of legal certainty, transparency and predictability, not only in the assessment of the selection criteria but also as regards the 'relevance' to be assessed and found by the members of the EPSO selection board in the 'talent screener' test.

2. Second plea in law, alleging that no statement of reasons was given for the contested decision. The applicant submits that, after the EPSO selection board's decision, it was not possible to ascertain from the contested decision how the assessment was made, the criteria that were used or the way in which relevance to questions was determined.

3. Third plea in law, alleging that the contested decision is vitiated by a manifest error of assessment.

Action brought on 14 September 2020 — MG v EIB

(Case T-573/20)

(2020/C 371/32)

Language of the case: French

Parties

Applicant: MG (represented by: L. Levi and A. Blot, lawyers)

Defendant: European Investment Bank

Findings

The applicant claims that the General Court should:

— declare the present action admissible and well founded;

and accordingly:

— annul the decision of the EIB of 11 October 2018 by which the applicant was denied family benefits (including in particular day care and CPE costs unduly deducted by the EIB from the salary of the applicant until November 2019) and derived financial rights (including in particular tax reliefs and reimbursement of the medical expenses of the applicant's dependent children);

— if necessary, annul the letter/decision of 7 January 2019 rejecting all of the applicant's requests;

— if necessary, annul the decision of the EIB dated 30 July 2020 noting the lack of reconciliation and confirming the decision of 11 October 2018;

— provide compensation for the material and non-material harm suffered by the applicant;

— order the defendant to pay the entirety of the costs.

Pleas in law and main arguments

In support of its action, the applicant raises six pleas in law.

1. First plea in law, alleging infringement of the right to be heard.

2. Second plea in law, alleging breach of the obligation to state reasons.