

Action brought on 1 September 2022 — NZ v Commission**(Case T-535/22)**

(2022/C 398/42)

*Language of the case: French***Parties***Applicant:* NZ (represented by: H. Tagaras, lawyer)*Defendant:* European Commission**Form of order sought**

The applicant claims that the Court should:

- initiate the measures of organisation of procedure requested in paragraph 30 [of the application] and a measure aimed at clarifying the questions raised in paragraphs 42, 43 and 59 [of the application];

and, on conclusion of the proceedings,
- annul the contested decisions;

as well as, in any case,
- order the defendant to pay the costs.

Pleas in law and main arguments

In support of the action brought against the decision of the European Commission of 10 February 2022, taken with a view to complying with the judgment of 6 October 2021, *NZ v Commission* (T-668/20, not published, EU:T:2021:667), confirming the decision to not enter her name on the reserve list of internal competition COM/1/AD 10/18, the applicant relies on seven pleas in law.

1. First plea in law, alleging the breach of the duty to state reasons, the misuse of powers, the infringement of Article 266 TFEU, in particular by the defendant's refusal to initiate measures which allow for actual compliance with the annulling judgment delivered previously by the Court.
2. Second plea in law, alleging the infringement of the competition notice, in particular since the selection board has applied very different coefficients to the two tests comprising the oral examination.
3. Third plea in law, alleging the infringement of equal treatment due to fluctuations in the composition of the selection board.
4. Fourth plea in law, alleging the infringement of the rules which govern the functioning of the selection boards and the selection committees, namely:
 - selection board composed only of alternate members in the vast majority of formations having assessed the candidates, including the applicant;
 - the identical nature of the questions posed to the candidates during the tests;
 - the lack of transparency and of coherence in the rules used for scoring candidates;
 - fluctuation in the selection board's composition.
5. Fifth plea in law, alleging a manifest error of assessment.

6. Sixth plea in law, alleging the infringement of Article 27 of the Staff Regulations of Officials of the European Union due to the infringement set out in the second plea.
7. Seventh plea in law, alleging the infringement of the duty of care.

Action brought on 2 September 2022 — France v SRB

(Case T-540/22)

(2022/C 398/43)

Language of the case: French

Parties

Applicant: French Republic (represented by: T. Stehelin, J.-L. Carré and E. Timmermans, acting as Agents)

Defendant: Single Resolution Board (SRB)

Form of order sought

The applicant claims that the Court should:

- annul Decision 3/2021 of the Appeal Panel of the Single Resolution Board of 8 June 2022;
- order the Single Resolution Board to pay the costs.

Pleas in law and main arguments

In support of the action against Decision 3/2021 of the Appeal Panel of the Single Resolution Board (SRB) of 8 June 2022 by which the Appeal Panel upholds the decision of the SRB not to grant to the banking group concerned the exemption from the minimum requirement for own funds and eligible liabilities applied on an individual basis, the applicant relies on three pleas in law.

1. First plea in law, alleging the Appeal Panel erred in finding, in the contested decision, that the SRB correctly interpreted and applied Article 12h of Regulation (EU) No 806/2014 establishing uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Resolution Fund and amending Regulation (EU) No 1093/2010 (OJ 2014 L 255, p 1) and that it remained within the limits of its discretion.
2. Second plea in law, alleging the Appeal Panel erred in finding, in the contested decision, that the SRB had not breached the principle of legal certainty.
3. Third plea in law, alleging the Appeal Panel erred in finding, in the contested decision, that the SRB had satisfied its obligation to state reasons under Article 296 TFEU.

Order of the General Court of 31 August 2022 — Virbac v Commission

(Case T-138/21) ⁽¹⁾

(2022/C 398/44)

Language of the case: French

The President of the Fifth Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 206, 31.5.2021.
