

**Action brought on 6 October 2022 — RS v EIB****(Case T-624/22)**

(2023/C 15/56)

*Language of the case: English***Parties***Applicant:* RS (represented by: B. Maréchal, lawyer)*Defendant:* European Investment Bank**Form of order sought**

The applicant claims that the Court should:

- Annul (i) the European Investment Bank's (hereafter the 'EIB') decision, with a specified date, with subject 'Non conversion of fixed-term contract' rejecting arguments submitted on behalf of applicant for the conversion of his employment contract, (ii) the EIB decision informing the applicant that his employment with the European Investment Bank will terminate on a specified date, and (iii) the EIB decision, issued on a specified date, rejecting the applicant's request of administrative review disputing: (1°) the decision not to convert the applicant's employment contract from a fixed-term to an indefinite-term employment contract with the EIB, and (2°) denouncing related infringements by the EIB of the applicant's fundamental rights (hereafter the 'Disputed Decisions');
- In the alternative, amend the disputed decisions; as well as
- Award damages in relation to material damage suffered or to be suffered by Applicant as a result of the Disputed Decisions not to convert Applicant's employment contract, amounting to EUR 193 882,98, including salary loss, health insurance premiums difference and family reimbursement loss as well as loss of pension;
- Award damages in relation to the violation of the applicant's privacy and data protection rights, his right to good administration and his right to an effective remedy and a fair trial amounting to EUR 20 000;
- Award damages in relation to the moral prejudice and distress suffered by applicant amounting to EUR 20 000;
- Award compensation for costs incurred as a result of the illegal behaviour, actions and omissions of the EIB and suffered from the applicant provisionally evaluated for an amount of EUR 20 000 (including VAT);
- Order the defendant to pay the legal fees for the current proceedings amounting to a provisional amount of EUR 15 000.

**Pleas in law and main arguments**

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

1. First plea in law, alleging that the reasons alleged for potential non-conversion of contract result from an objectively established infringement of the right of confidentiality, the right of privacy and data protection rights of the applicant.
2. Second plea in law, alleging conflicts of interest and partiality of procedures used to justify the decisions relating to the non-conversion of the applicant's employment contract and the resulting infringement of the applicant's rights of defence.
3. Third plea in law, alleging a lack of serious motivation and the disproportionate character of the Disputed Decisions not to convert the applicant's employment contract with the defendant and relevant related infringements of the applicant's rights.

4. Fourth plea in law, alleging an objectively established breach of the applicant's right of good administration, including the right to be heard (Article 41 (2)(a) of the Charter of Fundamental Rights of the European Union (hereafter the 'EU Charter')), the right to have access to his or her file and, as a result, to be spontaneously and timely informed of the progress and/or outcome of any institutional procedure in which he or she has been involved (Article 41(2)(b) of the EU Charter), and the right to have his or her affairs handled impartially and within a reasonable time (Article 41(1) of the EU Charter).

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**Action brought on 7 November 2022 — Vima World v Commission**

**(Case T-671/22)**

(2023/C 15/57)

*Language of the case: Portuguese*

**Parties**

*Applicant:* Vima World, SA (Panama City, Panama) (represented by: P. Braz, lawyer)

*Defendant:* European Commission

**Form of order sought**

- annul Articles 1 and 4 to 6 of Commission Decision (EU) 2022/1414 of 4 December 2020 on aid scheme SA.21259 (2018/C) (ex 2018/NN) implemented by Portugal for Zona Franca da Madeira (ZFM) — Regime III;
- order the European Commission to pay all the costs of the proceedings.

**Pleas in law and main arguments**

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

1. First plea in law, alleging an error in the presumptions of fact and of law, in that, in the present case, the measure does not constitute State aid within the meaning of Article 107(1) TFEU, given that the profits generated in the Zona Franca da Madeira (Madeira Free Trade Zone) (ZFM) were subject to tax in Spain.
  2. Second plea in law, alleging infringement of competition law, in that, in the present case, the decision to recover the incompatible aid granted subjects the profits made in the ZFM to double taxation.
  3. Third plea in law, alleging an error in the presumptions of law in the contested decision, in that, Regime III of the ZFM complies with the requirements to create or maintain jobs in the Autonomous Region of Madeira laid down in Decisions C(2007) 3037 final and C(2013) 4043 final, in Articles 107 and 108 TFEU and in the 2007 Guidelines.
  4. Fourth plea in law, alleging an error in the presumptions of fact and of law in the contested decision, in that, in that decision, the concept of an 'activity effectively and materially performed in Madeira', established in Decisions C(2007) 3037 final and C(2013) 4043 final, is interpreted strictly.
  5. Fifth plea in law, alleging infringement of the principles of legal certainty, protection of legitimate expectations and proportionality.
  6. Sixth plea in law, alleging an error of law consisting in the breach of the obligation to state reasons, laid down in Article 296 TFEU.
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