

**Action brought on 30 December 2022 — TZ v Council****(Case T-803/22)**

(2023/C 63/81)

*Language of the case: English***Parties***Applicant:* TZ (represented by: J. Janssen, lawyer)*Defendant:* Council of the European Union**Form of order sought**

The applicant claims that the Court should:

- admit and uphold the pleas for annulment raised in the present application;
- annul Chapter III of Council Regulation (EU) 2022/1854 of 6 October 2022 on an emergency intervention to address high energy prices <sup>(1)</sup> ('contested Regulation');
- in the alternative, annul Article 15 of the contested Regulation insofar as it allows the retroactive levy of a solidarity contribution over the year 2022; and
- order the Council to pay the costs of this procedure.

**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 the contested Regulation was incorrectly adopted on the basis of article 122(1) TFEU and should have been adopted by the Council, acting unanimously after consulting the European Parliament and in accordance with a special legislative procedure, as the contested Regulation contains fiscal measures.
2. Second plea in law, alleging that the contested Regulation constitutes a violation of the right to property as enshrined in Article 1 First Protocol to the ECHR and Article 17 of the Charter of Fundamental Rights of the EU, as well as the EU principles of legality and legal certainty, insofar the contested Regulation allows for retroactive application.

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<sup>(1)</sup> OJ 2022, L 261 I, p. 1.

**Action brought on 22 December 2022 — Poland v European Commission****(Case T-830/22)**

(2023/C 63/82)

*Language of the case: Polish***Parties***Applicant:* Republic of Poland (represented by: B. Majczyna and S. Żyrek, acting as Agents)*Defendant:* European Commission**Form of order sought**

The applicant claims that the Court should:

- annul the decisions of the European Commission contained in the letters of 12 October 2022 <sup>(1)</sup> and 23 November 2022 <sup>(2)</sup> concerning the offsetting of the amounts receivable by way of the daily penalty payments imposed by the order of the Vice-President of the Court of Justice of 27 October 2021 (*Commission v Poland*, C-204/21 R, EU:C:2021:878) with regard to the period from 15 July 2022 to 29 August 2022;

— order the European Commission to pay the costs.

### Pleas in law and main arguments

In support of the action, the applicant relies on a single plea in law, alleging infringement of Articles 101 and 102 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council,<sup>(1)</sup> read in conjunction with Article 98 thereof, in that the procedure for recovery by offsetting of the amounts receivable was applied, whereas the order of 27 October 2021 had imposed daily penalty payments for the period until the date of compliance with the order of the Vice-President of the Court of Justice of 14 July 2021<sup>(4)</sup> and the provisions whose application was required to be suspended by the order of 14 July 2021 had ceased to apply on 15 July 2022.

<sup>(1)</sup> Letter from the European Commission of 12 October 2022, Ref. ARES(2022)7041596.

<sup>(2)</sup> Letter from the European Commission of 23 November 2022, Ref. ARES(2022)8087579.

<sup>(3)</sup> Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ 2018 L 193, p. 1).

<sup>(4)</sup> Order of the Vice-President of the Court of Justice of 14 July 2021, *Commission v Poland*, C-204/21 R, EU:C:2021:593.

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### Action brought on 22 December 2022 — TO v EUAA

(Case T-831/22)

(2023/C 63/83)

*Language of the case: French*

### Parties

*Applicant:* TO (represented by: É. Boigelot, lawyer)

*Defendant:* European Union Agency for Asylum (EUAA)

### Form of order sought

The applicant claims that the Court should:

- declare the action admissible and well-founded and, accordingly;
- annul the decision of [confidential]<sup>(1)</sup> to terminate the applicant's contract, with reference [confidential], taken by [confidential], which entered into force on the same day and was notified to the applicant on [confidential];
- order the defendant to pay provisional compensation for the material and non-material damage in the amount of EUR 45 000, subject to alteration in the proceedings;
- order the defendant to pay the costs.

### Pleas in law and main arguments

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

1. First plea, alleging infringement of Articles 1d, 1e(2), 12, 12a, 17(1), 22a and 25(2) of the Staff Regulations of Officials of the European Union, applicable by analogy to contract staff pursuant to Articles 10 and 11 of the Conditions of Employment of Other Servants of the European Union, and infringement of Articles 8, 31(1), 41(1) and 41(2)(a) of the Charter of Fundamental Rights of the European Union and Article 10 of Regulation (EU, Euratom) No 883/2013<sup>(2)</sup> of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999.