

— 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.

2. Second plea, alleging infringement of fundamental and general principles of EU law including, inter alia, the principle of effective exercise of the rights of the defence, the principle of non-discrimination, the principle of confidentiality, the principle of proportionality and the principle of sound administration.
3. Third plea, alleging infringement of the principle which requires the authority to hand down decisions only on the basis of legally admissible grounds, by which is meant grounds which are relevant and not vitiated by manifest errors of assessment, fact or law, or by ultra vires and improper exercise of authority.
4. Fourth plea, alleging breach of the duty of care and damage to the applicant's dignity and reputation.
5. Fifth plea, alleging infringement of, inter alia, Articles 4, 5, 14, 16(2)(b) and (e), 16(3), 17(1)(e) and (g), 18 and 19 of Regulation (EU) No 2018/1725 <sup>(1)</sup> of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.

<sup>(1)</sup> Confidential data omitted.

<sup>(2)</sup> OJ 2013 L 248, p. 1.

<sup>(3)</sup> OJ 2018 L 295, p. 39.

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**Action brought on 9 January 2023 — UA v EUAA**

**(Case T-3/23)**

(2023/C 63/84)

*Language of the case: French*

**Parties**

*Applicant:* UA (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 consequently;
- annul Decision No 99, reference [confidential], <sup>(1)</sup> taken by the EUAA Management Board on [confidential], notified by e-mail on [confidential] by the Secretariat of the Management Board, and in so far as necessary, all preparatory and/or implementing acts and decisions, by which the Management Board decides, inter alia, that '[confidential]' is ordered to make good [the damage suffered by] the Agency due to serious personal misconduct liable to entail his personal financial liability, in accordance with Article 22 of the [Staff Regulations of Officials of the European Union]. The implementing measure and modalities for compensation will be communicated separately to [confidential]';
- order the defendant to pay provisional compensation of EUR 25 000 for both material and non-material damage, subject to modification during the proceedings;
- order the defendant to pay the costs.