

**Appeal brought on 12 July 2023 by SN against the judgment of the General Court (Fifth Chamber)  
delivered on 3 May 2023 in Case T-249/21, SN v Parliament**

(Case C-430/23 P)

(2023/C 314/11)

*Language of the case: English*

**Parties**

*Appellant:* SN (represented by: P. Eleftheriadis, Barrister)

*Other party to the proceedings:* European Parliament

**Form of order sought**

The Appellant claims that the Court should:

- set aside in part the judgment delivered on 3 May 2023 by the Fifth Chamber of the General Court of the European Union in Case T-249/21, SN v European Parliament, to the extent that the judgment affirms the partial validity of the Decision of the Secretary-General of the European Parliament, regarding SN, dated 21 December 2020 and Debit Note No 7010000021, addressed to SN, for the amount of 196 199,84 Euros, dated 15 January 2021,
- annul in whole the Decision of the Secretary-General of the European Parliament, regarding SN, dated 21 December 2020,
- annul in whole the Debit Note No 7010000021, addressed to SN, for the amount of 196 199,84 Euros, dated 15 January 2021,
- order the European Parliament to pay the costs of the Appellants for the present proceedings, including the costs before this Court and before the General Court.

**Pleas in law and main arguments**

- 1) **Failure to apply the 'knowledge' test of 137 CEOS** <sup>(1)</sup>: The General Court infringed EU law by failing to consider that the recovery of the salary of a Parliamentary Assistance by a Member of Parliament is subject to the 'knowledge' tests of Article 137 CEOS and 85 of the Staff Regulations, which requires that the recipient of a payment in cases of parliamentary assistance has actual or assumed knowledge that the payment was not due.
- 2) **Failure to apply the true meaning of Article 33 IMMS** <sup>(2)</sup>: The General Court infringed EU law by failing to correctly apply Articles 33 and 68 IMMS which require that the payment of a salary to a parliamentary assistant is a salary and not a fee for services rendered, so that it becomes 'undue' under EU law, only when the payment is not due under the terms of the contract of employment, under standard terms of employment for parliamentary assistants.
- 3) **Failure to Protect a Member's Right to Freedom and Independence**: The General Court infringed EU law by failing to sufficiently protect the Members' Right to Freedom and Independence (Articles 2 and 21(2) Statute for Members of the European Parliament), by imposing a system of strict liability for innocent errors that is so unpredictable and so onerous so as to be incompatible with a Members' right to freedom and independence.

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<sup>(1)</sup> Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community (OJ 1962, 45, p. 1385).

<sup>(2)</sup> Decision of the Bureau of 19 May and 9 July 2008 concerning implementing measures for the Statute for Members of the European Parliament (OJ 2009, C 159, p. 1).