



C/2023/61

9.10.2023

Action brought on 10 August 2023 — HG v Commission

(Case T-494/23)

(C/2023/61)

Language of the case: French

Parties

Applicant: HG (represented by: L. Levi, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— declare the present action admissible and well-founded

consequently:

- annul the compensation decisions dated 10 October 2022 (BUDG.C.4.001/AM/444), 13 October 2022 (BUDG.C.4.001/PRS/444), 11 November 2022 (BUDG.C.4.001/AM/444_3), 12 December 2022 (BUDG.C.4.001/AM/444_4), 9 January 2023 (BUDG.C.4.001/AM/444_5), 19 January 2023 (BUDG.C.4.001/PRS/444_6), 9 February 2023 (BUDG.C.4.001/LM/444), 10 March 2023 (BUDG.C.4.001/LM/444) and 11 April 2023 (BUDG.C.4.001/PRS/444), all for an amount of EUR 3 350, with the exception of the decision of 13 October 2022 for an amount of EUR 274,59 and the decision of 19 January 2023 for an amount of EUR 368;
- in so far as necessary, annul the decision rejecting the applicant's complaint, dated 5 May 2023;
- order the defendant to reimburse the sums recovered in respect of the decisions adopted, that is, EUR 24 092,59, that amount to be increased by default interest calculated at the rate of the European Central Bank, plus two percentage points;
- order the defendant to pay all of the costs.

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 infringement of Articles 98, 100, 101 and 102 of the Financial Regulation of 2018 ⁽¹⁾ and failure to comply with the reasonable time requirement. The applicant submits, inter alia, that the Authorising Officer did not send the debit note within the five-year period provided for in the Financial Regulation.
2. Second plea in law, alleging breach of the principle of good administration and of the duty to have regard for the welfare of officials. The applicant submits in that regard that the lack of information as to the rules applicable or applied in the present case or as to the rescheduling plan (monthly instalments and duration and reasons for the amounts and duration) constitutes a breach of the duty to have regard for the welfare of officials and of the principle of good administration.

⁽¹⁾ 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).