

1. First plea in law, alleging error in law as to the requirements for the liability of the European Union to be incurred when implementing Article 24 of the Staff Regulations of Officials of the European Union, in that the CST required that the incident incompatible with the order and tranquillity of the service have an impact on the operation of the service and the health of the protagonists, though that requirement is not provided for either by the Staff Regulations or by case-law. The appellant further argues that the CST distorted the facts in holding, first, that the Court of Auditors took all necessary measures to restore the proper functioning of the service and, secondly, that the disruption to the service had no impact on the health of the protagonists, though the Court of Auditors did not act sufficiently quickly and decisively to end the situation of conflict which caused the appellant's permanent total disability (paragraphs 67 and 68 of the judgment under appeal).
2. Second plea in law, alleging an error of law in the judicial review of legality conducted by the CST when it stated that the medical assessments setting out the existence of mental disorders resulting from psychological harassment to which the appellant was subject whilst at work do not make it possible to establish that the appellant was indeed the victim of harassment. The appellant claims that the Tribunal is not competent to question medical assessments and draw inferences to the contrary (paragraphs 69 and 70 of the judgment under appeal).
3. Third plea in law, alleging infringement of the principle of proportionality resulting from the CST assessing in the amount of EUR 2 000 the damage resulting from the delay of more than two years in providing the appellant with the investigation report, without providing the appellant with a statement of reasons allowing him to understand the criteria which led to the determination of that amount. The appellant submits that the CST did not take account of the context in which the damage occurred.
4. Fourth plea in law, alleging an error of law in the allocation of costs.

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**Action brought on 8 January 2014 — U4U and Others v Parliament and Council**

(Case T-17/14)

(2014/C 112/54)

*Language of the case: French*

**Parties**

*Applicant:* Union pour l'Unité (U4U) (Brussels, Belgium); Unité & Solidarité — Hors Union (USHU) (Brussels); Regroupement Syndical (RS) (Saint-Josse-ten-Noode, Belgium); and Georges Vlandas (Brussels) (represented by: F. Krenc, lawyer)

*Defendant:* Council of the European Union and European Parliament

**Form of order sought**

The parties claim that the Court should:

- declare the present action admissible and well founded;
- accordingly, annul Regulation No 10223/2013 of the European Parliament and of the Council of 22 October 2013, amending the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union in so far as it:
  - (1) amends Annex X to the Staff Regulations (Art.1, No 70);
  - (2) amends Article 45 of the Staff Regulations and Annex 1 thereto, and adds Section 5 to Annex XIII (Art. 1, No 27, No 61 and No 73(k)).

**Pleas in law and main arguments**

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

The first three pleas in law concern the amendment of Annex X to the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union ('the Staff Regulations').

1. The first plea alleging an infringement of Article 10 of the Staff Regulations, Articles 12, 27 and 28 of the Charter of Fundamental Rights of the European Union ('the Charter') and Article 11 of the European Convention on the Protection of Human Rights and Fundamental Freedoms ('the ECHR'), in particular by the failure to consult the Committee on the reform of Annex X to the Staff Regulations.
2. Second plea alleging infringement of Articles 12, 27 and 28 of the Charter and Article 11 of the ECHR by the lack of information and genuine and appropriate consultation of the unions, officials and other servants as regards the reform of Annex X.
3. Third plea in law alleging a breach of the principles of sound legislation and in particular the duty of thoroughness and the duty to state reasons

The last three pleas concern the amendment of Article 45 and Annex I to the Staff Regulations, and the addition of Section 5 in Annex XIII thereof.

4. Fourth plea alleging an infringement of Article 10 of the Staff Regulations, Articles 12, 27 and 28 of the Charter and Article 11 of the ECHR, in particular the lack of consultation of the Staff Regulations Committee concerning the reform of AD careers
5. Fifth plea alleging an infringement of Articles 12, 27 and 28 of the Charter and Article 11 of the ECHR by the lack of information and genuine and adequate consultation of the unions, officials and other servants regarding the reform of AD careers.
6. Sixth plea alleging breach of the principles of sound legislation and in particular the duty of thoroughness and the duty to state reasons.

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**Action brought on 8 January 2014 — Nguyen v Parliament and Council**

**(Case T-20/14)**

(2014/C 112/55)

*Language of the case: French*

**Parties**

*Applicant:* Huynh Duong Vi Nguyen (Woluwe-Saint-Lambert, Belgium) (represented by: M. Velardo, lawyer)

*Defendants:* Council of the European Union and European Parliament

**Form of order sought**

- Annul provisions including Article 7 (travelling time) of Annex V to the Staff Regulations and Article 8 (travel expenses) of Annex VII to the Staff Regulations, as amended by Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013 amending the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union [(OJ 2013 L 287, p. 15)], in so far as the entitlement to travel expenses and travelling time is linked to the expatriation or foreign-residence allowance;
- Order the defendant to pay the applicant the amount of EUR 169 051,96 for the pecuniary loss suffered and the amount of EUR 40 000 for the non-pecuniary harm;
- Order the defendant to pay damages with late-payment and compensatory interest at the rate of 6,75 % in respect of the pecuniary and non-pecuniary loss suffered;
- Order the defendant to pay the costs incurred by the applicant in the present proceedings.