

- Second part, alleging infringement of Article 203 TFEU in that the contested decision provides for the withdrawal of the British overseas countries and territories (OCTs), without the inhabitants of those OCTs having been able to vote for withdrawal from the association arrangement laid down by the European Treaty, without reference to the specific procedure under Article 203 TFEU which applies to them, and consequently the freedom of establishment under Article 199 TFEU is infringed by the contested decision.
- Third part, alleging infringement of the principles of legal certainty and of legitimate expectations inasmuch as the applicants consider that the opening of negotiations on the withdrawal agreement, the outcome of which is uncertain, will have a significant impact on the rules governing the rights which they derive from European citizenship, notwithstanding the fact that they have created a private and family life for themselves in another Member State through exercising their freedom of movement. The contested decision and its annex thus do not comply with the requirement of predictability of legal rules imposed by the principles of legal certainty and legitimate expectations, and are also at variance with respect for private and family life.

Action brought on 25 July 2017 — TN v ENISA

(Case T-461/17)

(2017/C 347/40)

Language of the case: English

Parties

Applicant: TN (represented by: L. Levi and A. Blot, lawyers)

Defendant: European Union Agency for Network and Information Security (ENISA)

Form of order sought

The applicant claims that the Court should:

- annul ENISA's decision of 25 November 2016, withdrawing its offer of employment, according to which the applicant was to be appointed to the position of head of the corporate services and stakeholder relations unit;
- annul ENISA's decision of 20 April 2017, rejecting the applicant's complaint;
- award the applicant damages for the material and non-material damage suffered;
- order ENISA to bear the entire costs of the proceedings.

Pleas in law and main arguments

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

1. First plea in law, alleging that the defendant infringed its contractual obligations vis-à-vis the applicant.
 - The applicant alleges that the offer could not be withdrawn as a contract had already been concluded and it contests the defendant's arguments to the contrary.
 2. Second plea in law, alleging undue treatment of the applicant's personal data and infringement of Article 12 of the Conditions of Employment of other servants of the European Union, of the duty of care, and of the right to good administration.
 3. Third plea in law, alleging infringement of the right to be heard.
 - The applicant was not heard before the contested decision to withdraw the offer of employment was taken.
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