

Form of order sought

The applicants claim that the General Court should:

- Annul the Commission Decision endorsing the prior Decision of the Single Resolution Board, made on the same day, adopting the resolution scheme regarding the institution Banco Popular Español S.A., and which is implemented in Spain by the FROB, in that it sets a payment of EUR 0 in respect of the applicants' rights in the Banco Popular.

Pleas in law and main arguments

The pleas in law and main arguments are similar to those put forward in Cases T-478/17, *Mutualidad de la Abogacía and Hermandad Nacional de Arquitectos Superiores y Químicos v Single Resolution Board*, T-481/17, *Fundación Tatiana Pérez de Guzmán el Bueno and SFL v Single Resolution Board*, T-482/17, *Comercial Vascongada Recalde v Commission and Single Resolution Board*, T-483/17, *García Suárez and Others v Commission and Single Resolution Board*, T-484/17, *Fidesban and Others v Single Resolution Board*, T-497/17, *Sánchez del Valle and Calatrava Real State 2015 v Commission and Single Resolution Board*, and T-498/17, *Pablo Álvarez de Linera Granda v Commission and Single Resolution Board*.

Action brought on 6 September 2017 — France v Commission

(Case T-609/17)

(2017/C 382/61)

Language of the case: French

Parties

Applicant: French Republic (represented by: F. Alabrune, D. Colas, B. Fodda and E. de Moustier, acting as Agents)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul in part Commission Implementing Decision (EU) 2017/1144 of 26 June 2017 excluding from European Union financing certain expenditure incurred by the Member States under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD), in so far as it excludes certain export refunds paid by the French Republic in respect of the financial years 2011 to 2014;
- order the 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 the principle of proportionality, inasmuch as the Commission based its decision, for the most part, on purported serious failures by the French Republic to fulfil its obligations in the area of checks on the water content of frozen chickens intended for export receiving refunds.

However, it is incorrect to assert that the French authorities have seriously failed to fulfil those obligations, having regard to the EU legislation and the enhanced measures that have been put in place since 2010. The analyses of the water content form part of the checks on the sound, fair and marketable quality of frozen chickens intended for export receiving refunds that are carried out on the basis of Article 5(4) of Regulation No 1276/2008. According to the applicant, that provision does not require every physical check on frozen chickens intended for export receiving refunds to include a laboratory analysis of the water content.

Thus, it considers that it was for the French authorities to determine the control measures to be taken, provided that those measures were proportionate having regard to the financial risk for the EAGF. In that regard, the applicant claims that the French authorities have put in place an ambitious scheme which takes that financial risk into account.

Action brought on 8 September 2017 — Ardigo and UO v Commission

(Case T-615/17)

(2017/C 382/62)

Language of the case: French

Parties

Applicants: Nicola Ardigo (Lissone, Italy) and UO (represented by: S. Orlandi and T. Martin, lawyers)

Defendant: European Commission

Form of order sought

— Declare and rule that

— the decisions confirming the transfer of the applicants' pension rights into the European Union pension scheme are annulled;

— the European Commission is ordered to pay 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 by the Appointing Authority of Article 7(1) of the General Implementing Provisions (GIPs) of 3 March 2011 in the calculation by that Authority of the deduction of the amount representing the increase in value of that capital between the date of the application for transfer and that of the actual transfer.
 2. Second plea in law, alleging infringement of essential procedural measures, namely breaches by the Appointing Authority of its obligations to state reasons and to establish, through the GIPs, the mathematical formula by which it calculated the coefficients necessary for the conversion of the capital transferred into years of pensionable service.
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Action brought on 19 September 2017 — Hola v Commission and SRB

(Case T-631/17)

(2017/C 382/63)

Language of the case: Spanish

Parties

Applicant: Hola, S.L. (Madrid, Spain) (represented by: R. Vallina Hoset and C. Iglesias Megías, lawyers)

Defendants: Single Resolution Board and European Commission

Form of order sought

The applicant claims that the General Court should:

- Annul Decision SRB/EES/2017/08 of the Single Resolution Board of 7 June 2017 concerning the adoption of a resolution scheme in respect of Banco Popular Español, S.A.;