

2. Second plea in law, alleging infringement of Article 85 of the Staff Regulations, of the principle of legal certainty and of the duty to have regard to the welfare of officials. The applicants submit in this connection that they could not have been aware of the irregularity of the remuneration paid to them under the correction coefficients in force.
 3. Third plea in law, alleging infringement of Article 13 of Annex X to the Staff Regulations, which requires an interim update of remunerations where the variation in the cost of living, measured on the basis of the weighting and the corresponding exchange rate, is found to have exceeded 5 % since the last update in the case of a given country.
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Action brought on 11 October 2019 – Al-Gaoud v Conseil

(Case T-700/19)

(2019/C 406/51)

Language of the case: English

Parties

Applicant: Abdel Majid Al-Gaoud (Giza, Egypt) (represented by: S. Bafadhel, Barrister)

Defendant: Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul Council Implementing Decision (CFSP) 2019/1299 of 31 July 2019 implementing Decision (CFSP) 2015/1333 concerning restrictive measures in view of the situation in Libya in so far as it maintains the Applicant's name on the list in Annexes II and IV to Council Decision 2015/1333/CFSP of 31 July 2015 concerning restrictive measures in view of the situation in Libya;
- annul Council Implementing Regulation (EU) 2019/1292 of 31 July 2019 implementing Article 21(2) of Regulation (EU) 2016/44 concerning restrictive measures in view of the situation in Libya in so far as it maintain the Applicant's name on the list in Annex III to Council Regulation (EU) 2016/44 of 18 January 2016 concerning restrictive measures in view of the situation in Libya;
- order the defendant to pay the costs incurred in relation to the proceedings before the General Court in accordance with the Rules of the General Court.

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 that the Council Implementing Decision (CFSP) 2019/1299 of 31 July 2019 implementing Decision (CFSP) 2015/1333 and the Council Implementing Regulation (EU) 2019/1292 of 31 July 2019 implementing Article 21(2) of Regulation (EU) 2016/44 fail to disclose a lawful basis for maintaining the applicant's listing, notwithstanding the fundamental change in circumstances in Libya. The Council has allegedly failed to provide individual, specific and concrete reasons for the Contested Measures which are not well-founded in any supporting material.

2. Second plea in law, alleging that the Contested Measures violate the applicant's fundamental rights including the right to health, the right to family life, the right to property, and the right to effective defense as safeguarded by the Charter of Fundamental Rights of the European Union. The Contested Measures are neither necessary nor appropriate for any legitimate aim and constitute an indefinite and disproportionate interference with the Applicant's fundamental rights.

Action brought on 15 October 2019 - FGSZ v ACER

(Case T-704/19)

(2019/C 406/52)

Language of the case: English

Parties

Applicant: Földgázszállító Zártkörűen Működő Részvénytársaság (FGSZ) (Siófok, Hungary) (represented by: M. Horányi, N. Niejahr and S. Zakka, lawyers)

Defendant: European Union Agency for the Cooperation of Energy Regulators

Form of order sought

The applicant claims that the Court should:

- annul ACER decision No 5/2019 of 9 April 2019 on the incremental capacity project proposal for the Mosonmagyaróvár inter-connection point (the 'HUAT Project'), as upheld by the decision of the Board of Appeal of the Agency of 6 August 2019 in case number A-004-2019 (the 'Board of Appeal Decision');
- in the alternative, annul the Contested Decision as upheld by the Board of Appeal Decision and declare void Article 1(1) and (2) of the Contested Decision to the extent that the applicant is obliged to carry out a binding phase for the marketing of incremental capacity at offer level I and offer level II of the HUAT Project as well as Article 2(4) of the Contested Decision insofar as it obliges the applicant to implement the HUAT project in case of a positive outcome of the economic test to be carried out;
- in the alternative, annul and declare void the Board of Appeal Decision;
- order ACER to bear its own costs and those of the Applicant in connection with these proceedings.

Pleas in law and main arguments

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

1. First plea in law, alleging that ACER lacked competence to adopt the Contested Decision.
2. Second plea in law, alleging that ACER violated Article 8(1)(a) of Regulation 713/2009 ⁽¹⁾ by obliging the applicant to implement the HUAT project.