

Re

Application under Article 270 TFEU seeking, first, annulment of the Commission's decision of 11 January 2019 on the mandate of a new medical committee in the context of a request made by the applicant for recognition of aggravation of an occupational disease and, second, compensation for the damage allegedly suffered by the applicant.

Operative part of the order

- 1) The action is dismissed as, in part, manifestly inadmissible and, in part, inadmissible.
- 2) Mr Arnaldo Lucaccioni shall pay the costs.

⁽¹⁾ OJ C 230, 8.7.2019.

Action brought on 6 May 2020 — HB v EIB**(Case T-757/19)****(2020/C 222/28)***Language of the case: English***Parties**

Applicant: HB (represented by: C. Bernard-Glanz, lawyer)

Defendant: European Investment Bank (EIB)

Form of order sought

The applicant claims that the Court should:

- annul the decision of 20 June 2019, rejecting the applicant's complaint of psychological harassment;
- order the defendant to pay an amount of EUR 100 000 in compensation for the non-material damage, together with interest at the legal rate from the date of delivery;
- order the defendant to pay an amount of EUR 50 000 in compensation for the loss of a chance, together with interest at the legal rate from the date of delivery of the judgment until payment in full has been made;
- order the defendant to pay the costs.

Pleas in law and main arguments

In support of her claim for annulment, the applicant relies on three pleas in law.

1. First plea in law, alleging breach of the right to have one's affairs handled impartially, fairly and carefully and failure to state reasons, insofar as (i) the Panel that investigated her allegations of harassment and bullying (a) failed to handle the case impartially, fairly and carefully, by showing or giving the appearance of bias towards the alleged harassers and by misrepresenting or ignoring facts and evidence, and (b) failed to state reasons, and (ii) in endorsing the report of the Panel, the President of the EIB tainted the contested decision with the same defects.

2. Second plea in law, alleging error of assessment and breach of the EIB Code of Conduct and Dignity at Work Policy, insofar as (i) the conduct of the alleged harassers towards the applicant took the form of spoken or written acts, was improper, took place over time and was repeated, and was demeaning, (ii) by failing to categorise the disputed acts as psychological harassment, both individually and jointly, the Panel erred in its assessment of the facts and breached the Staff Code of Conduct and Dignity at Work Policy and (iii) in endorsing its report, the President of the EIB wrongly found that the applicant had not been harassed; and
3. Third plea in law, alleging breach of the right to be heard and breach of confidentiality, insofar as (i) the applicant was not given the opportunity to submit her observations on (a) the content of the statements made by the alleged harassers and the witnesses before the Panel or (b) the other documents that were used by the Panel in its report in order to make recommendations to the President of the Bank and (ii) the Panel adopted its conclusions and shared them with third parties before it gave the applicant the opportunity to submit her observations thereon, i.e. before it allegedly finalised its report, and (iii) in endorsing the report of the Panel, the President of the EIB tainted the contested decision with the same defects.

In support of her claim for damages, the applicant argues that:

- she has suffered non-material damages that cannot be made good by the annulment of the contested decision;
- by rejecting her request for conciliation, illegally, the defendant deprived her of a chance of settling the matter amicably and avoiding proceedings before the General Court.

Action brought on 16 April 2020 — Hellenic Republic v Commission

(Case T-217/20)

(2020/C 222/29)

Language of the case: Greek

Parties

Applicant: Hellenic Republic (represented by: E. Tsaousi, A. Vasilopoulou and E. Krompa)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- set aside the contested decision⁽¹⁾ in so far as it excludes from European Union financing certain expenditure of the Hellenic Republic amounting to a total gross amount of EUR 9 657 608,85, corresponding to a total net amount of EUR 9 590 402,53, incurred and declared in the context of the EAFRD in respect of measures 123A, 125A, 321 and 322 of the rural development programme for the period 2007-2013 and measures 4.2, 4.3, 7.2 and 7.4 of the rural development programme for the period 2014-2020, for the financial years 2011 to 2018, and
- order the defendant to pay the costs incurred by the Hellenic Republic.

Pleas in law and main arguments

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

1. First plea in law, alleging that the contested decision was adopted on the basis of an incorrect interpretation and application of Article 34(7) of Regulation (EU) No 908/2014,⁽²⁾ since the financial corrections are unlawful because the Commission exceeded the limits of its power of assessment and is vitiated by inadequate reasoning.