

Form of order sought

The applicant claims that the Court should:

- partially annul Article 1 of the Commission Decision C(2020) 3013 final, dated 4 May 2020 (Case AT.40684 — Facebook Marketplace), in so far as it requests the internal documents specified in Annex I.B;
- in the alternative: (i) partially annul Article 1 of the Contested Marketplace Decision in so far as it unlawfully requests irrelevant documents; (ii) partially annul Article 1 of the Contested Marketplace Decision in order that independent EU-qualified lawyers may be permitted to conduct a relevance review of the documents captured by the Marketplace Document Request in order to exclude from production documents that are manifestly irrelevant to the investigation and/or personal documents; and/or (iii) partially annul Article 1 of the Contested Marketplace Decision in so far as it unlawfully requires production of irrelevant documents that are personal or private in nature;
- order the Commission to pay the applicant's costs.

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 by requiring a document production consisting of a clear majority of wholly irrelevant and/or personal documents, the contested Decision infringes the principle of necessity reflected in Article 18(3) of Regulation No 1/2003 and/or violates Facebook's rights of defence and/or constitutes a misuse of powers. Accordingly, the Commission erred in law and/or assessment in the application of Article 18(3) of Regulation No 1/2003.
2. Second plea in law, alleging that by requiring the production of so many documents (for example: correspondence of employees regarding medical issues; correspondence at times of bereavement; documents relating to personal property investments; job applications; internal appraisals; and documents assessing security risks to the family members of key Facebook personnel), the contested Decision infringes the fundamental right to privacy, the principle of proportionality and the fundamental right to good administration.
3. Third plea in law, alleging that the Contested Marketplace Decision fails to explain why its search terms will only identify documents that are necessary and relevant for the Commission's investigation or to explain why any relevance review by external, EU qualified lawyers are not permitted or to explain or provide for any legally binding, data room for personal and/or wholly irrelevant documents and is therefore based on insufficient reasoning, contrary to Article 18(3) of Regulation No 1/2003 and Article 296 TFEU.

Action brought on 14 July 2020 — KZ v Commission

(Case T-453/20)

(2020/C 287/61)

Language of the case: French

Parties

Applicant: KZ (represented by: N. de Montigny, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the list of promoted officials adopted by Administrative Notice No 32-2019/14.11.2019 of 14 November 2019 inasmuch as it does not include the name of the applicant;
- order the defendant to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on a single plea in law, raising a plea of illegality in respect of the General Implementing Provisions ('the GIPs') for Article 45 of the Staff Regulations of Officials of the European Union ('the Staff Regulations'). The applicant contests the interpretation given by the Commission, which considers that Article 40(3) of the Staff Regulations means that an official who is on leave on personal grounds on the date when the promotion decision is adopted by the appointing authority is not eligible for the promotion exercise concluded thereby. On the contrary, the applicant puts forward a teleological and systematic interpretation of Article 40(3) of the Staff Regulations and submits that the Commission, by its interpretation, infringes the right to promotion under Article 45 of the Staff Regulations. In his view, the Commission also infringes the principle of legal certainty, the principle that the statutory provisions of which those GIPs form part should be consistent, and the principle of equal treatment in terms of career development under Article 5(5) of the Staff Regulations. Lastly, he complains that the consequences of implementing the GIPs are illogical and disproportionate.

Action brought on 16 July 2020 — Garment Manufacturers Association in Cambodia v Commission

(Case T-454/20)

(2020/C 287/62)

Language of the case: English

Parties

Applicant: Garment Manufacturers Association in Cambodia (Phnom Penh, Cambodia) (represented by: C. Ziegler and S. Monti, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the Commission's Delegated Regulation (EU) 2020/550 of 12 February 2020 amending Annexes II and IV to Regulation (EU) No 978/2012 of the European Parliament and of the Council as regards the temporary withdrawal of the arrangements referred to in Article 1(2) of Regulation (EU) No 978/2012 in respect of certain products originating in the Kingdom of Cambodia in part, namely with regard to the temporary withdrawal of the GSP preferences for all customs codes that are affecting GMAC members, i.e. the HS codes mentioned in the table in Article 1 subparagraph 1 and all customs HS codes mentioned in the table in Article 1 subparagraph 2, except for HS code 1212 93;
- order the Commission to bear its own costs and pay those incurred by the applicant.

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 Contested Regulation violates the principle of proportionality and the requirement of consistency between the Union's policies and activities. The Commission allegedly failed to properly assess the proportionality of the partial temporary withdrawal of customs preferences for the Cambodian garments, footwear and travel goods sectors.