

**Form of order sought**

The appellant claims that the Court should:

- set aside the judgment under appeal in its entirety,
- consequently,
  - annul the decision of the Director of the European Union Agency for Fundamental Rights (FRA) dated 19 November 2018 rejecting the applicant's request under Article 90(1) of the Staff Regulations;
  - if need be, annul the decision of the FRA Director dated 12 June 2018, received on 13 June 2018, rejecting the complaint under Article 90(2) of the Staff Regulations directed by the applicant against the above decision of 19 November 2019;
  - grant the applicant compensation for the sustained non-material damage, as detailed in this appeal, estimated ex aequo et bono at 100 000 €;
- order the FRA to pay all the costs.

**Pleas in law and main arguments**

Error of law and distortion of evidence regarding the statement of facts.

Error of law and violation of the principle of legal certainty regarding the first head of unlawfulness.

Error of law, violation of res iudicata, insufficient reasoning, failure to rule on appellant's head of claim, distortion of evidence regarding the second head of unlawfulness.

Error of law, manifest error of appraisal and insufficient reasoning regarding the third head of unlawfulness.

Error of law, distortion of evidence, manifest error of appraisal, plea that General Court acted ultra vires and ultra petita, plea alleging that the General Court wrongly rejected the appellants' offer of production of a document on request which was material to the case and insufficient reasoning regarding the fourth head of unlawfulness.

Error of law, insufficient reasoning, wrong legal classification of facts, distortion of evidence and manifest error of appraisal regarding the fifth head of unlawfulness.

Error of law, distortion of evidence, failure to rule on appellant's head of claim, wrong legal classification, plea that GC acted ultra petita, plea alleging that GC wrongly rejected the appellants' request to order production of a document which was material to the case, incomplete examination of the application and of the plea of harassment raised by the applicant regarding the sixth head of unlawfulness.

Error of law regarding the section on actual damage alleged and causal link.

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**Request for a preliminary ruling from the Areios Pagos (Greece) lodged on 23 September 2021 — Charles Taylor Adjusting Limited, FD v Starlight Shipping Company, Overseas Marine Enterprises INC**

**(Case C-590/21)**

**(2022/C 37/14)**

*Language of the case: Greek*

**Referring court**

Areios Pagos

**Parties to the main proceedings***Appellants:*

Charles Taylor Adjusting Limited,

FD

*Respondents:*

Starlight Shipping Company,

Overseas Marine Enterprises INC

**Questions referred**

1. Is the expression ‘manifestly contrary to public policy’ in the EU and, by extension, to domestic public policy, which constitutes a ground for non-recognition and non-enforcement pursuant to point 1 of Article 34 and Article 45(1) of Regulation No 44/2001, <sup>(1)</sup> to be understood as meaning that it extends beyond explicit anti-suit injunctions prohibiting the commencement and continuation of proceedings before a court of another Member State to judgments or orders delivered by courts of Member States where: (i) they impede or prevent the claimant in obtaining judicial protection by the court of another Member State or from continuing proceedings already commenced before it; and (ii) is that form of interference in the jurisdiction of a court of another Member State to adjudicate a dispute of which it has already been seised, and which it has admitted, compatible with public policy in the EU? In particular, is it contrary to public policy in the EU within the meaning of point 1 of Article 34 and Article 45(1) of Regulation No 44/2001, to recognise and/or declare enforceable a judgment or order of a court of a Member State awarding provisional damages to claimants seeking recognition and a declaration of enforceability in respect of the costs and expenses incurred by them in bringing an action or continuing proceedings before the court of another Member State, where the reasons given are that: (a) it follows from an examination of that action that the case is covered by a settlement duly established and ratified by the court of the Member State delivering the judgment (or order); and (b) the court of the other Member State seised in a fresh action by the party against which the judgment or order was delivered lacks jurisdiction by virtue of a clause conferring exclusive jurisdiction?
2. If the first question is answered in the negative, is point 1 of Article 34 of Regulation No 44/2001, as interpreted by the Court of Justice of the European Union, to be understood as constituting a ground for non-recognition and non-enforcement in Greece of the judgment and orders delivered by a court of another Member State (the United Kingdom), as described under (i) above, where they are directly and manifestly contrary to national public policy in accordance with fundamental social and legal perceptions which prevail in Greece and the fundamental provisions of Greek law that lie at the very heart of the right to judicial protection (Articles 8 and 20 of the Greek Constitution, Article 33 of the Greek Civil Code and the principle of protection of that right that underpins the entire system of Greek procedural law, as laid down in Articles 176, 173(1) to (3), 185, 205 and 191 of the Greek Code of Civil Procedure cited in paragraph 6 of the statement of reasons) and Article 6(1) of the [European Convention on Human Rights], such that, in that case, it is permissible to disapply the principle of EU law on the free movement of judgments, and is the non-recognition resulting therefrom compatible with the views that assimilate and promote the European perspective?

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<sup>(1)</sup> Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ 2001 L 12, p. 1).

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**Appeal brought on 1 October 2021 by the European Parliament against the judgment of the General Court (Fourth Chamber) delivered on 14 July 2021 in Case T-670/19, Carbajo Ferrero v Parliament**

**(Case C-613/21 P)**

(2022/C 37/15)

*Language of the case: French*

**Parties**

*Appellant:* European Parliament (represented by: I. Terwinghe, C. González Argüelles, R. Schiano, acting as Agents)

*Other party to the proceedings:* Fernando Carbajo Ferrero