

Appeal brought on 30 March 2011 by Guido Strack against the judgment of the Civil Service Tribunal of 20 January 2011 in Case F-132/07 Strack v Commission

(Case T-199/11 P)

(2011/C 232/54)

Language of the case: German

Parties

Appellant: Guido Strack (Cologne, Germany) (represented by H. Tettenborn. Lawyer)

Other party to the proceedings: European Commission

Form of order sought by the appellant

The appellant claims that the General Court should:

- set aside entirely the judgment of the European Union Civil Service Tribunal (Second Chamber) of 20 January 2011 in Case F-132/07 and uphold the claims of the applicant in those proceedings;
- set aside the order of the European Union Civil Service Tribunal (Second Chamber) of 17 September 2009 in Case F-132/07 in so far as thereby the applicant's claim for judgment in default was rejected;
- set aside the decisions of the European Union Civil Service Tribunal, whereby Case F-132/07, initially assigned to the First Chamber, was subsequently assigned to the second Chamber;
- annul the Commission's decision of 23 July 2007 and the implied supplementary decisions of 9 August 2007 and 11 September 2007 and the decision of 9 November 2007, in so far as they reject the appellants' requests of 9 April 2007, 11 May 2007 and 11 October 2007 for authorisation to publish documents (in the light of all legal considerations, in particular Articles 17, 17a, 19 and 24 of the Staff Regulations and any copyright and data protection provisions) and to report (ex-)Commissioners and Commission officials to the prosecuting authorities;
- order the Commission to pay the appellant damages in the sum of at least EUR 10 000 for the non-material damage and damage to health caused to the appellant by the decisions which are to be annulled;
- order the Commission to pay the entire costs;
- the appellant additionally claims on the basis of the relevant settled case-law of the European Court of Human Rights compensation for the excessive length of proceedings of at least EUR 2 000, the exact figure to be decided at the discretion of the General Court.

Pleas in law and main arguments

In support of the appeal, the appellant relies on twenty grounds of appeal.

- The appellant claims inter alia the following: lack of jurisdiction of the formation of the Tribunal which adopted the decisions under appeal, the unlawful rejection of the claim for judgment in default, the unlawful decision to grant to the Commission extension of time-limits, the rejection of the request to join the proceedings with other proceedings between the parties, the erroneous summary of the case in the preparatory report for the hearing and in the judgment under appeal, the bias of the Judge-Rapporteur, the breach of the Tribunal's language rules and the discrimination against the appellant on the basis of language and the failure to translate procedural documents.
- The appellant further claims that the Civil Service Tribunal committed errors in law and failed to state sufficient reasons for its judgment: inter alia, in respect of the interpretation and application of Articles 11, 17, 17a, 19, 25, and 90 et seq. of the Staff Regulations for European Union officials, Articles 6, 10 and 13 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, and Articles 11, 41, 47 and 52 of the Charter of Fundamental Rights of the European Union.

Action brought on 18 May 2011 — Austria v Commission

(Case T-251/11)

(2011/C 232/55)

Language of the case: German

Parties

Applicant: Republic of Austria (represented by: C. Pesendorfer, Agent)

Defendant: European Commission

Form of order sought

The applicant claims that the General Court should:

- annul the Commission Decision C(2011) 1363 of 8 March 2011 on the Austrian State aid measure No C 24/2009 for energy-intensive businesses under the Green Electricity Act;
- order the Commission to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging incorrect application of Article 107 (1) TFEU — no State aid:

In the applicant's opinion, Section 22c of the Austrian Green Electricity Act (BGBl. I No 114/2008) (ÖSG) limiting costs for energy-intensive businesses is not State Aid for the reason that no use of 'State resources' is involved.