

Appeal brought on 25 May 2011 by VE(*) against the judgment of the Civil Service Tribunal of 15 March 2011 in Case F-28/10, VE (*) v Commission

(Case T-274/11 P)

(2011/C 232/57)

Language of the case: French

Parties

Appellant: VE (*) (represented by L. Vogel, lawyer)

Other party to the proceedings: European Commission

Form of order sought by the appellant

- Annul in its entirety the judgment of the Second Chamber of the Civil Service Tribunal of the European Union of 15 March 2011, notified by registered letter on 15 March 2011, dismissing the appellant's action of 7 May 2010;
- Order the defendant to pay the costs, pursuant to Article 87(2) of the Rules of Procedure, including costs necessarily incurred for the purposes of the proceedings, such as travel and accommodation costs, plus lawyers' fees pursuant to Article 91(b) of the Rules of Procedure.

Pleas in law and main arguments

The appellant makes two pleas in support of the appeal.

1. The first plea claims infringement of Article 4 of Annex VII to the Staff Regulations and distortion of the evidence produced before the Civil Service Tribunal. The appellant accuses the Civil Service Tribunal, first, of misinterpreting the documents numbered 22, 23, 24 and 25 on his file by deciding, at paragraph 31 of its judgment, that his presence in France between 1999 and 2000 could not be assimilated to a wish of the applicant to move the centre of his interests to his home country and, secondly, of making an incoherent assessment of the concept of habitual residence in paragraphs 29, 31 and 33 of the judgment under appeal.
2. The second plea claims distortion of the evidence produced before the Civil Service Tribunal and an insufficient statement of reasons, in that the Civil Service Tribunal justifies the belated withdrawal of the benefit of the expatriation allowance 'by a misunderstanding concerning the place where the applicant had obtained his baccalaureate'. The appellant accuses the Tribunal of not taking document 15 of his file into account, not replying to point 31 of his action and thus making clearly incorrect findings.

Action brought on 27 May 2011 — TF1 v Commission

(Case T-275/11)

(2011/C 232/58)

Language of the case: French

Parties

Applicant: Télévision française 1 (TF1) (Boulogne Billancourt, France) (represented by: J-P Hordies and C. Smits, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- declare its action admissible and well-founded;
- by way of measures of organisation of procedure, in accordance with Article 64(3)(d) of the Rules of Procedure of the General Court, order the production of the documents which the Commission used in order to conclude that public financing was proportional and transparent in character, namely: the reports on the implementation of Articles 2 and 3 of the decree concerning the years 2007 and 2008 and the draft report referred to in Article 2 for the year 2009, and of the confidential version of the contested decision;
- order the Commission to pay the costs.

Pleas in law and main arguments

The action seeks the annulment of Commission Decision 2011/140/EU of 20 July 2010 declaring State aid in the form of an annual budgetary grant which the French authorities plan to implement in favour of France Télévisions compatible with the common market.

In support of its action, the applicant makes three pleas in law.

1. The first plea claims misinterpretation of the link between the new taxes envisaged for the reform of public broadcasting and financing of France Télévisions. The applicant cites evidence of a binding link between, on the one hand, the tax on advertising messages and the tax on electronic communications and, on the other hand, the budgetary grants paid to France Télévisions, both from a legal point of view, taking account of all the relevant national legislation, and from an economic point of view, taking account of the mechanism for determining the amount of the aid, of the rate of the tax and of its actual use.

(*) Information erased or replaced within the framework of protection of personal data and/or confidentiality.