

- as a result, order full and adequate compensation for the harm suffered by the applicant as a result of the unlawful conduct of the European Union amounting to EUR 41 074 940, together with compensatory and default interest at the rate applied by the European Central Bank to its main refinancing operations, increased by two percentage points, and grant a provisional indemnity of EUR 1 million, to be adjusted according to the expenses and investment which the applicant must incur in order to re-establish its image and reputation;
- in the alternative, if it is held that the amount of harm suffered must be recalculated, order an expert report in accordance with Article 65(d), Article 66(1) and Article 70 of the Rules of Procedure of the Court;
- order the Council to pay the costs of the action.

Pleas in law and main arguments

In support of the action, concerning the unlawful conduct alleged against the Council both in adopting the measures for the freezing of funds and in retaining them since January 2012, the applicant relies on four pleas in law alleging:

- a manifest error of assessment as regards the implication of the applicant in the financing of the Syrian regime;
- a lack of sufficient and precise reasons for the measures taken by the Council against the applicant;
- infringement of the rights of the defence to a fair hearing and to effective judicial protection and
- defects in the examination carried out by the Council, tainting by illegality the restrictive measures applied by the Council.

The applicant claims that the measures for the freezing of funds taken by the Council constitute the definite cause of both the material and non-material harm suffered by it.

Concerning material harm, the applicant claims that it suffered significant operational and technological losses as a result, in particular, of the loss of business relations with several European and Arab banks, the radical reduction in its operating results and the loss of numerous banking assets since 2012. Furthermore, its previous supplier of banking software has terminated all relations with it.

Concerning non-material harm, the applicant asks to be compensated for the damage resulting from the harm done to its image due to the unlawful measures for the freezing of funds adopted by the Council.

Action brought on 3 September 2013 — Marchiani v Parliament

(Case T-479/13)

(2013/C 336/56)

Language of the case: French

Parties

Applicant: Jean-Charles Marchiani (Toulon, France) (represented by: C.-S. Marchiani, lawyer)

Defendant: European Parliament

Form of order sought

The applicant claims that the Court should:

- annul the decision of the Secretary General of 4 July 2013;
- annul the debit note of 5 July 2013;
- order the European Parliament to pay the costs.

Pleas in law and main arguments

By the present action, the applicant contests the decision of the European Parliament to recover the sums received between 2001 and 2004 by the applicant as Parliamentary assistance expenses.

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

1. First plea in law, alleging an irregularity in procedure, in so far as the decision of the of the Secretary General of the Parliament of 4 July 2013 is in violation of the decision of the Bureau of the European Parliament of 19 May and 9 July 2008 concerning Implementing Measures for the Statute for Members of the European Parliament, of the adversarial principle and of the rights of defence.
2. Second plea in law, alleging an incorrect application of the regulation concerning fees and expenses of Members of the Parliament (the FEM regulation).
3. Third plea in law, alleging an error of assessment of the documents on the file.
4. Fourth plea in law, alleging a lack of impartiality on the part of the Secretary General of the European Parliament when adopting the decision dated 4 July 2013.
5. Fifth and Sixth pleas in law, alleging that the recovery of the sums in question is time-barred.