

In the context of the agreement at issue, the Commission claims that the General Court misinterpreted the general terms of the agreement and in particular paragraph (3)(d) of Section II.5 (and incidentally Section II.14, second subparagraph of paragraph (1)).

The misinterpretation of the general terms of the agreement can be broken down into the following particular grounds of appeal:

1. An erroneous assessment of the serious and systematic nature of the irregularities as a ground for suspension;
2. An erroneous assessment of the possibility/risk of repetition of the irregularities;
3. An erroneous inference from the ad hoc adjustment;
4. Misinterpretation of the option to use average costs and erroneous extension to use of fictitious costs — distortion of the evidence;
5. Confusion of the criteria for suspension (suspicion) and the criteria for eligibility (certainty).

Action brought on 18 February 2014 — European Commission v Ireland

(Case C-87/14)

(2014/C 102/37)

Language of the case: English

Parties

Applicant: European Commission (represented by: J. Enegren, M. van Beek, Agents)

Defendant: Ireland

The applicant claims that the Court should:

- declare that: by failing to apply the provisions of Directive 2003/88/EC⁽¹⁾ of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of working time to the organisation of the working time of junior doctors (non-consultant hospital doctors), Ireland has failed to fulfil its obligations under Article 3, 5, 6, 17(2) and 17(5) of the Directive.
- order Ireland to pay the costs.

Pleas in law and main arguments

Article 3

Ireland has failed to ensure, with regard to junior doctors, that they are provided with the minimum daily rest period per 24 hours.

Article 5

Ireland has failed to ensure that junior doctors are provided with the minimum uninterrupted rest period per each seven day period.

Article 6

Ireland has failed to ensure that that the average working time for each seven day period does not exceed 48 hours.

Article 17(2)

Ireland has failed to ensure that junior doctors are afforded equivalent periods of compensatory rest when required to work without having recourse to the rest periods indicated in Articles 3 and 5.

Article 17(5)

Ireland has not ensured that doctors in training do not exceed the weekly working time after the end of the transitional period laid down in Article 17(5).

⁽¹⁾ OJ L 299, p. 9

Order of the President of the Court of 22 November 2013 — European Commission v Hungary

(Case C-462/12) ⁽¹⁾

(2014/C 102/38)

Language of the case: Hungarian

The President of the Court has ordered that the case be removed from the register.

⁽¹⁾ OJ C 379, 8.12.2012.

Order of the President of the Court of 22 November 2013 — European Commission v Republic of Poland, interveners: Kingdom of the Netherlands, Federal Republic of Germany, Czech Republic, Republic of Finland, United Kingdom of Great Britain and Northern Ireland, Republic of Estonia

(Case C-598/12) ⁽¹⁾

(2014/C 102/39)

Language of the case: Polish

The President of the Court has ordered that the case be removed from the register.

⁽¹⁾ OJ C 79, 16.3.2013.

Order of the President of the Court of 18 December 2013 — European Commission v Republic of Poland, interveners: Kingdom of the Netherlands, Czech Republic, Federal Republic of Germany, Republic of Finland, United Kingdom of Great Britain and Northern Ireland, Republic of Estonia

(Case C-55/13) ⁽¹⁾

(2014/C 102/40)

Language of the case: Polish

The President of the Court has ordered that the case be removed from the register.

⁽¹⁾ OJ C 101, 6.4.2013.
