2. Second plea in law, alleging breach of general principles and infringement of fundamental rights by applying the presumption of decisive influence

   By its second plea, the applicant claims that the Decision has infringed its fundamental rights as protected by Articles 48 and 49 of [the Charter of Fundamental Rights of the European Union ('the Charter')] and Articles 6(2) and 7(1) of [the European Convention for the Protection of Human Rights and Fundamental Freedoms ('the Convention')]. Furthermore, imputing liability to the applicant constitutes an infringement of the right to property (Article 1 of the Additional Protocol to the Convention, Article 14 of the Convention, and Articles 17 and 21 of the Charter) and is therefore inconsistent with the principle of neutrality laid down in Article 345 TFEU. Lastly, the applicant claims that the Commission has clearly infringed its rights of the defence, enshrined in Article 6 of the Convention and Article 48(2) of the Charter, since, owing to its not having access to any evidence which could be used to refute the allegations made against Prysmian, the applicant was unable to defend itself in respect of the unlawful conduct at issue.

3. Third plea in law, alleging that the [PLP] does not apply, since the conditions for its application are not satisfied, and alleging infringement of Article 101 TFEU

   By its third plea, the applicant claims that, in the present case, the Commission wrongly applied the PLP — in breach of Article 101 TFEU — and did not give due consideration to the particular features of the Pirelli-Prysmian control relationship.

4. Fourth plea in law, alleging breach of the principle of proportionality

   By its fourth plea, the applicant claims that applying the PLP in the present case infringes the principle of proportionality as enshrined in Article 5(4) TEU, since the PLP is not designed to achieve any of the aims in respect of which the Commission is attempting to use it. There was therefore no reason for extending to the applicant the liability imputed to Prysmian.

5. Fifth plea in law, alleging breach of the principles of proportionality and equal treatment by wrongly applying the principle of joint and several liability to the applicant and Prysmian in connection with the obligation to pay the fine imposed by the Commission or, in the alternative, by failing to make a suitable adjustment to that principle

   By its fifth plea, the applicant claims that imposing liability on the applicant jointly and severally with Prysmian not only does not achieve the objectives which the Commission seeks to pursue with regard to penalties but even directly conflicts with those objectives. In the alternative, in order to take account of the separate liability imputable to Prysmian and the applicant, the Commission should at least have allowed *beneficium ordinis seu excussionis*. Lastly, by failing suitably to reflect the difference between the applicant's position and Prysmian's position, the Commission infringed the principles of proportionality and equal treatment. The court hearing the case must therefore exercise its unlimited jurisdiction to annul the part of the Decision concerning the fine or, in the alternative, reformulate that part and allow *beneficium ordinis seu excussionis*.

6. Sixth plea in law, alleging that the Decision is unlawful because the part concerning Prysmian infringes Article 101 TFEU and Articles 2 and 23 of Regulation (EC) No 1/2003

   By its sixth plea, the applicant argues in support of its own right to obtain an annulment (in part or in full) of the Decision or a reduction of the fine to reflect the remedies obtained by Prysmian in its action against the Decision. The arguments put forward in that action, with the exception of those unfavourable to the applicant, are reproduced in the present action.

Action brought on 16 June 2014 — TAO/AFI and SFIE v Parliament and Council

(Case T-456/14)

(2014/C 261/69)

Language of the case: French

Parties

Applicants: Association des Fonctionnaires Indépendants pour la Défense de la Fonction Publique Européenne/Association of Independent Officials for the Defence of the European Civil Service (TAO/AFI) (Brussels, Belgium) and Syndicat des Fonctionnaires Internationaux et Européens/Union of International and European Civil Servants (SFIE) (Brussels, Belgium) (represented by: M. Casado García-Hirschfeld, lawyer)

Defendants: Council of the European Union and European Parliament

Form of order sought

The applicants claim that the Court should:

— Declare the present action for annulment before it admissible;

— Annul the contested Regulations with all the attendant consequences in law;

— Order the defendants to pay the costs in their entirety.

Pleas in law and main arguments

In support of the action, the applicants rely on a single plea in law alleging infringement of the prerogatives which they have as trade unions and professional associations, namely the right to consultation and the right of negotiation.

The applicants were not consulted either at the stage of preparation of the proposals or during the stage of the negotiations in respect of the disputed Regulations.

Appeal brought on 18 June 2014 by Thierry Rouffaud against the judgment of the Civil Service Tribunal of 9 April 2014 in Case F-59/13, *Rouffaud* v *EEAS*

(Case T-457/14 P)

(2014/C 261/70)

Language of the case: French

Parties

Appellant: Thierry Rouffaud (Brussels, Belgium) (represented by M. de Abreu Caldas, D. de Abreu Caldas and J.-N. Louis, lawyers)

Other party to the proceedings: European External Action Service (EEAS)

Form of order sought by the appellant

— Set aside the judgment of the European Union Civil Service Tribunal (Third Chamber) of 9 April 2014 in Case F-59/13 *Rouffaud* v *European External Action Service*;

— Order the EEAS to pay the costs.

Pleas in law and main arguments

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

1. First ground of appeal, alleging infringement of the rights of the defence, in so far as the Civil Service Tribunal (CST) failed to draw the attention of the parties to the question of the admissibility of the application until just before the final act of long proceedings, making it impossible for the applicant to prepare adequate arguments.

2. Second ground of appeal, alleging an error of law as regards the application of the rule on consistency, in so far as the subject-matter and the cause are perfectly identical as between the claim and the action for annulment.