

Defendant: European Parliament

Form of order sought

The applicant claims that the Court should:

- annul the decision of the authority authorised to conclude contracts of employment for the EFDD Group within the European Parliament which classified the applicant in function group I within the scope of the accredited parliamentary assistant (APA) contract signed on 25 February 2015 and in function group II within the scope of the contract of employment signed on 12 May 2016;
- order the defendant to compensate the applicant for the material and non-material damage suffered, estimated provisionally to be EUR 40 888,68 and EUR 63 323,20, respectively;
- order the defendant to bear its own costs and to pay the costs incurred by the applicant.

Pleas in law and main arguments

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

1. First plea in law, alleging a violation of Article 80 of the CESO Staff Regulations

- The applicant was given a salary grade corresponding to function group I for his first contract and at the bottom of function group II for the second employment contract he was offered. The function group II involves 'Clerical and secretarial tasks, office management and other equivalent tasks, performed under the supervision of officials or temporary staff' while the vast majority of tasks entrusted to the applicant within the scope of his first and his second employment contracts were administrative and advisory tasks as demonstrated in the annexes to the application.

2. Second plea in law, alleging a violation of Article 82 of the CEOS Staff Regulations

- Article 82 of the CEOS staff regulations states that a contract staff member shall be recruited in function group IV if he can demonstrate a level of education which corresponds to completed university studies of at least three years attested by a diploma or professional training of an equivalent level. The applicant has five years of university studies attested by two diplomas and, in addition, regarding the second contract he was offered, has a previous work experience for the European Parliament involving tasks equivalent to the tasks he ended up performing.

Action brought on 6 December 2016 — Dow Corning and Dow Corning Europe v Commission

(Case T-858/16)

(2017/C 046/23)

Language of the case: English

Parties

Applicants: Dow Corning Corporation (Midland, Michigan, United States) and Dow Corning Europe (Seneffe, Belgium) (represented by: S. Verschuur, M. Stroungi and L. Mélia, lawyers)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

- annul Articles 1-4 of the Commission's decision of 11 January 2016 on State Aid SA.37667 (2015/C) (ex 2015/NN) on the Excess Profit Exemption State aid Scheme implemented by Belgium ('the contested decision')⁽¹⁾;
- in the alternative, annul Article 2(1) of the contested decision;
- order the Commission to pay the costs of this procedure.

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 that the Commission violated Article 1(d) of Regulation 2015/1589⁽²⁾ by incorrectly qualifying the excess profit rulings as a scheme, thereby committing various manifest errors of law, fact and assessment and also giving an inadequate statement of reasons.
2. Second plea in law, alleging that the Commission violated Article 107(1) TFEU by committing a material error of law and a manifest error of assessment when interpreting and applying the reference system for purposes of assessing whether the excess profit rulings conferred a selective advantage.
3. Third plea in law, alleging that the Commission violated Article 107(1) TFEU by incorrectly establishing that the excess profit rulings conferred a selective advantage, thereby committing various manifest errors of fact and assessment, failing to conduct a diligent and impartial examination and giving an inadequate statement of reasons.
4. Fourth plea in law, alleging that the Commission violated Article 16 of Regulation 2015/1589 and various principles of EU law by committing a material error of law and a manifest error of assessment and giving an inadequate statement of reasons when establishing the methodology to quantify the alleged aid.

⁽¹⁾ Commission Decision (EU) 2016/1699 of 11 January 2016 on the excess profit exemption State aid scheme SA.37667 (2015/C) (ex 2015/NN) implemented by Belgium (notified under document C(2015) 9837) (OJ L 260, 2016, p. 61)

⁽²⁾ Council Regulation (EU) 2015/1589 of 13 July 2015 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union (OJ L 248, 2015, p. 9)

Action brought on 5 December 2016 — Nomacorc v Commission

(Case T-867/16)

(2017/C 046/24)

Language of the case: English

Parties

Applicant: Nomacorc (Thimister-Clermont, Belgium) (represented by: S. Verschuur, M. Stroungi and L. Mélia, lawyers)

Defendant: European Commission