

4. Fourth plea in law, alleging a manifest error of assessment in the present case.

- The applicant asserts in that regard that it is clear from the diplomas produced that she has a level of university education equal to a full cycle of at least three years, attested by a diploma relevant to the nature of the competition duties.

5. Fifth plea in law, alleging an abuse of power and lack of proportionality.

- The applicant asserts in that regard that it is clear that the applicant's candidature was not rejected on the basis of considerations connected with her qualification and diplomas, but on a question of general foreign policy for the purposes covered by the recruitment.

Action brought on 7 March 2017 — Troszczynski v Parliament

(Case T-148/17)

(2017/C 144/71)

Language of the case: French

Parties

Applicant: Mylène Troszczynski (Noyon, France) (represented by: M. Ceccaldi, lawyer)

Defendant: European Parliament

Form of order sought

The applicant claims that the Court should:

- annul the decision of the Quaestors of the European Parliament of 6 January 2017 in so far as it maintains the decision of the Secretary General of 23 June 2016 to recover the amount of EUR 56 554 from Ms Mylène Troszczynski;
- annul the decision of the Secretary General of the European Parliament of 23 June 2016 taken pursuant to Articles 33, 43, 62, 67 and 68 of Decision 2009/C 159/01 of the Bureau of the European Parliament of 19 May and 9 July 2008 'concerning implementing measures for the Statute of Members of the European Parliament', as amended, establishing that the applicant had a debt in the amount of EUR 56 544 in respect of amounts unduly paid for parliamentary assistance, giving reasons for its recovery and authorising the officer responsible, in collaboration with the institution's accounting officer, to proceed with the recovery of those amounts pursuant to Article 68 of the Implementing Measures and Articles 78, 79 and 80 of the Financial Regulation;
- annul debit note No 2016-888, undated, informing the applicant that a debt had been established against her pursuant to the decision of the Secretary General of 23 June 2016, for *recovery of sums unduly paid for parliamentary assistance, application of Article 68 of the Implementing Measures and of Articles 78, 79 and 80 of the Financial Regulation*;
- annul the debit note of 29 June 2016;
- order the European Parliament to pay all the costs of the proceedings;
- order the European Parliament to pay Ms Mylène Troszczynski the amount of EUR 50 000 as reimbursement of recoverable costs.

Pleas in law and main arguments

The sums which are the subject of the present dispute relate to the employment contract of indefinite duration concluded between the applicant and a local assistant working as a full-time parliamentary assistant in the Member State in which the applicant was elected. The defendant questions, on the basis of certain evidence concerning the posts held by the local assistant within the political party to which the applicant belongs, whether the applicant complied with the obligations under Articles 33, 43 and 62 of the Implementing Measures for the Statute of Members of the European Parliament.

In support of the action, the applicant argues that, in the present case, the contested measures are vitiated by defects affecting their external legality relating, in particular, to the lack of competence *ratione materiae* of the author of the act, the failure to state reasons and the failure to comply with essential procedural requirements.

She also claims that the internal legality of the contested measures is vitiated by defects relating to the non-existence of the facts alleged, the determination of the party who bears the burden of proof, infringement of the principle of proportionality, interference with the political rights of local assistants, misuse of powers, the discriminatory nature of the disputed measures and the existence of *fumus persecutionis*, infringement of the independence of parliamentary representatives, the prohibition of any imperative mandate, infringement of the principles of *una via electa* and *non bis in idem*, in so far as the President of the European Parliament forwarded to OLAF factual material leading to the presumption that the alleged irregularities concerning the applicant had occurred.

Action brought on 6 March 2017 — Sumner v Commission

(Case T-152/17)

(2017/C 144/72)

Language of the case: English

Parties

Applicant: Loreto Sumner (Leixlip, Ireland) (represented by: J. MacGuill, Solicitor)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- Annul the refusal of 10 January 2017 by the Secretary-General on behalf of the Commission, notified on 17 January 2017, to grant the applicant access to any submissions filed by any of the parties in ongoing infringement proceedings regarding an alleged violation by Ireland of the Working Time Directive.

Pleas in law and main arguments

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

1. First plea in law, alleging failure to conduct a concrete assessment of the request of access to documents under Regulation 1049/2001.
2. Second plea in law, alleging an unlawful reliance on a general presumption, in breach of the principles identified in the case-law cited.
3. Third plea in law, alleging failure to process a specific and effective examination of the risk for each document concerned, in breach of the case-law cited.