

*Defendant:* European Commission

### **Form of order sought**

The applicant claims that the Court should:

- annul the award decision (details and content unknown) communicated by note of 20 July 2016, Ref. Ares (2016) 371182, in which the European Commission (JRC — Ispra site management) awarded the contract in procedure JRC/IPR/2016/C.4/0002/OC concerning a framework agreement for works to construct and maintain water pipes and district heating/cooling substations at the Joint Research Centre in Ispra to the tender submitted by the concession holder;
- annul the note of 20 July 2016 Ref. Ares (2016) 371182, in which the European Commission (JRC — Ispra site management) communicated the result of the tendering procedure;
- annul the minutes of the award committee of 13 May 2016 and 28 June 2016;
- order, primarily, that compensation be awarded for the harm suffered, in kind, including by means of a declaration of invalidity, annulment or ineffectiveness of the contract, whose content and details are unknown, signed on 19 August 2016 by the Commission and the concession holder, the latter being subsequently replaced;
- order, in the alternative, that commensurate compensation be paid for the harm suffered, equivalent to EUR 500 000,00 or whatever greater or lesser amount the Court considers fair, together with interest and monetary indexation to the date of actual payment.

### **Pleas in law and main arguments**

In support of its action, the applicant relies on the following pleas in law: (i) infringement of Articles 105 and 107 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ 2012 L 298, p. 1), (ii) infringement of the *Lex specialis* concerning the tender in question, (iii) infringement of the principle of equal treatment and the right to due process, and (iv) misuse of power in the present case.

The applicants claim in that regard that the tender submitted by the concession holder should have been excluded on the ground that it does not meet the requirements of legal capacity and technical requirements imposed by the *Lex specialis*.

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### **Action brought on 22 October 2016 — QH v Parliament**

**(Case T-748/16)**

(2017/C 022/53)

*Language of the case: English*

### **Parties**

*Applicant:* QH (Woluwé-Saint-Pierre, Belgium) (represented by: N. Lhoëst and S. Michiels, lawyers)

*Defendant:* European Parliament

### **Form of order sought**

The applicant claims that the Court should:

- annul the decision of 26 January 2016 rejecting the applicant's request for assistance and, as a consequence, annul the decision of 12 July 2016 rejecting his complaint and award the applicant compensation for the damage allegedly suffered by him;
- order the defendant to pay the costs.

**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 conflict of interests, breach of the rights of defence, breach of the adversarial principle, breach of the principle of equality of arms and infringement of Article 41(2) and 42 of the Charter of Fundamental Rights of the European Union.
2. Second plea in law, alleging manifest error of assessment in the appointment of the investigator, lack of independence and impartiality of the investigator and breach by the investigator of his mandate.
3. Third plea in law, alleging violation of the obligation to state reasons for a decision closing an administrative investigation.
4. Fourth plea in law, alleging breach of the right to good administration and duty of care.
5. Fifth plea in law, alleging manifest error in the assessment of the grounds for moral harassment.

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**Action brought on 09 November 2016 — Government of Gibraltar v Commission****(Case T-783/16)**

(2017/C 022/54)

*Language of the case: English***Parties**

*Applicant:* Government of Gibraltar (Gibraltar) (represented by: M. Llamas, QC, J. Temple Lang, solicitor, F.-C. Laprévotte and C. Froitzheim, lawyers)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- annul the European Commission decision of 1 October 2014 in the State aid case SA.34914(C/2013) (ex 2013/NN) — Gibraltar Corporate Income Tax Regime;
- order the defendant to pay the applicant's legal and other costs and expenses in relation to this matter.

**Pleas in law and main arguments**

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

1. First plea in law, alleging that, in finding that the tax rulings could be a new aid, the contested decision errs in fact and law and is based on inadequate reasoning.

In support of this plea, the applicant submits as follows: first, that the Commission erred in law in not concluding from the outset that, should the practice of tax rulings or the individual tax rulings constitute State aid, they would be an existing aid; second, that the Commission erred in fact in stating that section 42 of the Income Tax Act of 2010 is the legal basis of the tax rulings; and third, that the decision lacks reasoning when claiming that the tax rulings practice constitutes new aid, an assertion that is contradicted by the claim that the rulings practice amounts to a 'de facto scheme'.

2. Second plea in law, alleging that the contested decision errs in fact and law and is based on inadequate reasoning.