

3. Third plea in law, alleging infringement of the principle of equal treatment, since other officials in a position identical to that of the applicant were extended on the basis of grounds which are themselves identical to those put forward by the applicant in her application for a one-year extension. In that context, the applicant also raises non-compliance with positive discrimination measures laid down in the Staff Regulations designed to achieve gender balance, this argument being supported by the fact that the new head of delegation appointed to replace her is a man.
4. Fourth plea in law, alleging infringement of the principle of continuity of service, which is an essential criterion for the extension decision, in that five other individuals are also leaving, including the head of cooperation and the head of the rural development and food safety division, these being two key posts for cooperation and development. The applicant therefore maintains that, in those circumstances, her one-year extension as head of delegation would ensure continuity of service and the training of incoming colleagues.

Action brought on 22 May 2017 –Aldridge and Others v Commission

(Case T-319/17)

(2017/C 249/49)

Language of the case: French

Parties

Applicants: Adam Aldridge (Schaerbeek, Belgium) and 32 other applicants (represented by: S. Rodrigues and A. Tymen, lawyers)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

- declare the present action admissible and well founded;
- and consequently:
- annul the decision of 15 July 2016 rejecting the request for reclassification of 16 March 2016;
 - annul the decision of 13 February 2017 rejecting the complaint of 14 October 2016;
 - order payment of compensation in respect of the material and non-material harm incurred by the applicants;
 - order the defendant to pay all costs and expenses.

Pleas in law and main arguments

In support of the action, the applicants rely on four pleas in law.

1. First plea in law, based on a plea of illegality directed against the decision of the Director of the European Anti-Fraud Office (OLAF) of 16 October 2012 to implement only a one-off reclassification for temporary agents with contracts of indeterminate duration.

The applicants consider that that decision is unlawful in that its adoption infringed Articles 10(3) and 15 of the Conditions of Employment of Other Servants of the European Union ('CEOS'), contrary to the hierarchy of norms and the principle of the protection of legitimate expectations. Thus, the decision of the Director of OLAF of 15 July 2016 rejecting the request for reclassification of 16 March 2016 and that of 13 February 2017 rejecting the complaint of 14 October 2016 ('the contested decisions') were, they submit, adopted on the basis of an unlawful decision and should therefore be annulled.

2. Second plea in law, alleging infringement of the principle of sound administration, principally in that the entry into force of the new Staff Regulations of Officials of the European Union of 2014 and the provisions restricting career development prospects beyond grades AD 12 and AST 9 are not a valid reason to exclude those temporary agents from the organisation of reclassification procedures.

3. Third plea in law, alleging infringement of the principle of equal treatment, inasmuch as the contested decisions are contrary to a Commission decision, addressed to the European Union agencies, providing for the participation of temporary agents in reclassification procedures. Thus, temporary agents of the Commission's Joint Research Centre ('JRC') having contracts of indeterminate duration benefit from a system of annual reclassification, which the applicants claim constitutes an unjustified difference in treatment.
4. Fourth plea in law, alleging infringement of the principle of proportionality, in particular in that the restriction to a single reclassification during a career does not amount to a measure addressing the objective described in the decision of 16 October 2016 to meet the specific expertise needs of OLAF, but is, on the contrary, rather such as to prevent OLAF from keeping temporary agents in its employment over long periods.

Action brought on 24 May 2017 — Hautala and Others v EFSA

(Case T-329/17)

(2017/C 249/50)

Language of the case: English

Parties

Applicants: Heidi Hautala (Helsinki, Finland), Benedek Jávor (Budapest, Hungary), Michèle Rivasi (Valence, France) and Bart Staes (Antwerp, Belgium) (represented by: B. Kloostra, lawyer)

Defendant: European Food Safety Authority (EFSA)

Form of order sought

The applicants claim that the Court should:

- annul EFSA's confirmatory decision of 14 March 2017 with reference PAD 2017/005 CA, confirming its decision of 9 December 2016 and 7 October 2016 with reference PAD 2016/034 to refuse most of the documents requested by the applicants; and
- order EFSA to pay the costs of the proceedings.

Pleas in law and main arguments

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

1. First plea in law, alleging that EFSA violated Article 6(1) of Regulation 1367/2006 ⁽¹⁾ by not applying it to the requested information. The exception to disclosure for the protection of 'commercial interests of a natural or legal person, including intellectual property', laid down in Article 4(2), first indent, of Regulation 1049/2001 should have been waived by EFSA and not been applied to the requested information, based on Article 6(1) of Regulation 1367/2006.
2. Second plea in law, alleging that EFSA violated Articles 2(4) and 4(2), first indent, of Regulation 1049/2001 ⁽²⁾ and Article 41 of Regulation 178/2002 ⁽³⁾ by refusing to disclose the requested information for the protection of commercial interests of the study-owners, meanwhile not substantiating concrete harm and/or an actual risk to concrete harm, also violating Article 4(4) under d, of the Aarhus Convention, where it is provided that an exception to disclosure may only be granted for protecting the interest of 'confidentiality of commercial and industrial information, where such confidentiality is protected by law in order to protect a legitimate economic interest' as no concrete legitimate economic interest has been identified and/or substantiated in the contested measure.
3. Third plea in law, alleging that EFSA incorrectly applied Article 63(2) of Regulation 1107/2009 ⁽⁴⁾, as this provision does not apply to the requested information and/or the disclosure of the information is of overriding public interest in the sense of Article 63(2) and/or Article 16 of Regulation 1107/2009.
4. Fourth plea in law, alleging that EFSA violated Article 4(2) of Regulation 1049/2001 by not recognising that there is an overriding public interest in the disclosure of the studies and by denying the applicants substantiation of an overriding public interest in the disclosure of the studies.