

Form of order sought

The applicants claim that the General Court should:

- declare the action admissible and well founded;
- annul the contested decisions, in that they designate Cecoforma as the successful tenderer for the framework contract of the call for tenders EACEA/2017/01, and annul the contract signed between EACEA and Cecoforma;
- order the European Commission and EACEA, jointly and severally, to pay to the applicants the sum of EUR 1 million;
- order the defendants to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging infringement of the principle of equal treatment and of the duty of transparency.
2. Second plea in law, alleging infringement of the right to be heard.
3. Third plea in law, alleging breach of the obligation to state reasons and a manifest error of assessment.

Action brought on 25 January 2018 — VF v ECB

(Case T-39/18)

(2018/C 112/49)

Language of the case: English

Parties

Applicant: VF (represented by: L. Levi and A. Blot, lawyers)

Defendant: European Central Bank

Form of order sought

The applicant claims that the Court should:

- declare the present appeal admissible and founded;
- annul the applicant's reviewed 2016 appraisal and annual salary and bonus review ('ASBR') dated 24 May 2017 notified on the same day;
- annul the ECB decision dated 13 September 2017 rejecting his request for an administrative review of his reviewed 2016 appraisal and ASBR;
- annul the ECB decision dated 20 December 2017 and notified to the applicant on 21 December 2017 rejecting his grievance procedure against his reviewed 2016 appraisal and ASBR;
- annul the decision of non-conversion of the applicant's contract, dated 6 March 2017;
- annul the ECB decision dated 4 July 2017 rejecting his request for an administrative review of the decision of non-conversion of his contract;
- annul the ECB decision dated 15 November 2017 and notified to him on 21 November 2017 rejecting the applicant's grievance procedure against the non-conversion of his contract;
- order the defendant to compensate the material and moral prejudices suffered by the applicant; and
- order the defendant to pay all the costs incurred by the applicant for the present appeal.

Pleas in law and main arguments

In support of the action, the applicant relies on the following arguments.

1. As to the non-conversion decision:

- Plea of illegality of the Conversion Policy: violation of article 10(c) of the Conditions of Employment for Staff of the European Central Bank ('CoE') and of article 2.0 of the Staff Regulations ('SR') and violation of the hierarchy of norms.
- Plea of illegality: article 10(c) CoE and article 2.0 SR are in breach of Directive 1999/70/EC of 28 June 1999⁽¹⁾ concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP and Recital 6 of the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP.
- The non-conversion decision was taken on the basis of illegal appraisal and ASBR decisions.

2. As to the appraisal:

- Procedural irregularity and absence of dialogue.
- Violation of the duty to state reason, violation of the principle of good administration and of due care and lack of information.
- Manifest errors of appreciation.

3. As to the ASBR decision:

- Plea of illegality of the ASBR Guidelines, violation of the duty to state reasons and violation of the principle of legal certainty.
- Lack of due explanation regarding the background of the applicant's salary award, lack of transparency and violation of the duty to state reason.
- Manifest error of appreciation.

⁽¹⁾ Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP (OJ 1999, L 175, p. 43).

Action brought on 30 January 2018 — Teollisuuden Voima/Commission**(Case T-52/18)**

(2018/C 112/50)

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

Applicant: Teollisuuden Voima Oyj (Eurajoki, Finland) (represented by: M. Powell, solicitor, Y. Utzschneider and K. Struckmann, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the Commission Decision C(2017) 3777 final of 29 May 2017 declaring the concentration involving the acquisition by EDF of New NP to be compatible with the internal market and the EEA Agreement (Case COMP/M.7764 — EDF/Areva reactor business) (OJ 2017 C 377, p. 5); and
- order the Commission to pay the applicant's costs in these proceedings.