

or in the alternative:

- declare that the defendants have incurred non-contractual liability and determine the procedure to be followed in order to establish the actual recoverable loss suffered by the applicants;

and in any event:

- order that the defendants pay the applicants' costs of the application.

Pleas in law and main arguments

In support of the action, the applicants rely on two pleas in law which are in essence identical or similar to those relied on in Case T-147/18, *APG Intercon and Others v Council and Others*.

Action brought on 27 March 2018 — Briois v Parliament

(Case T-214/18)

(2018/C 211/31)

Language of the case: French

Parties

Applicant: Steeve Briois (Hénin-Beaumont, France) (represented by: F. Wagner, lawyer)

Defendant: European Parliament

Form of order sought

The applicant claims that the Court should:

- annul the decision of the European Parliament of 6 February 2018 on the application for the waiver of immunity of Steeve Briois 2017/2221 (IMM) adopting the Report of the Legal Affairs Committee A8-0011/2018;
- order the European Parliament to pay to Steeve Briois the sum of EUR 35 000 as compensation for non-material damage suffered;
- order the European Parliament to pay to Steeve Briois the sum of EUR 5 000 in respect of recoverable expenses;
- order the European Parliament to pay all costs in the proceedings.

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 infringement of Article 8 of Protocol (No 7) on the privileges and immunities of the European Union ('the protocol'), inasmuch as the statement of Mr Briois that gave rise to criminal proceedings in his Member State of origin is an opinion expressed in the performance of his parliamentary duties within the meaning of that provision.
2. Second plea in law, alleging infringement of Article 9 of the protocol, in that the Parliament misconstrued both the spirit and the letter of that provision by adopting the decision to waive Mr Briois's immunity and thus rendered that decision invalid.

3. Third plea in law, alleging infringement of the principles of equal treatment and sound administration.

In the first place, the applicant submits that the Parliament infringed the principle of equality by treating him differently from other Members of the European Parliament in situations that were at least comparable, if not identical, and consequently the Parliament also infringed the principle of sound administration, which establishes an obligation for the competent institution to assess carefully and impartially all the relevant considerations in the case in question.

In the second place, the applicant claims that there is a body of evidence allowing a clear case of *fumus persecutionis* against him to be established.

4. Fourth plea in law, alleging infringement of the rights of the defence, inasmuch as the rights of the applicant and the principle that the parties should be heard were not sufficiently guaranteed by the exchange of arguments before the Legal Affairs Committee. The applicant therefore submits that the fact that he was not invited to set out his views at a plenary session on the waiver of his immunity was not only contrary to the general principles of law but also at variance with common sense and the majority of parliamentary practices.

Action brought on 27 March 2018 — QB v ECB

(Case T-215/18)

(2018/C 211/32)

Language of the case: French

Parties

Applicant: QB (represented by: L. Levi, lawyer)

Defendant: European Central Bank

Form of order sought

The applicant claims that the Court should:

— declare the present action admissible and well founded;

and consequently,

— annul the staff report for 2016 and the decision of 23 May 2017, notified on 28 June 2017, refusing the applicant the benefit of a salary progression;

— in so far as necessary, annul the decision of September 2017 and the implicit decision rejecting, respectively, the applicant's administrative appeal and claim;

— order the defendant to pay damages in respect of the non-pecuniary harm valued *ex aequo et bono* at EUR 15 000;

— order the defendant to pay all the costs.

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 infringement of the appraisal procedure set out in the Annual Salary and Bonus Review guidelines ('ASBR guidelines'), of the principle of legal certainty and of the duty to have regard for the welfare of staff, committed by the defendant in adopting the staff report for 2016 ('the contested staff report'). The applicant raises the following complaints in particular:

— the contested staff report was drafted by a member of staff of DG-H rather than by the assessors;