

2. Second plea in law, alleging errors of assessment committed by the selection board in the evaluation of the information in the applicant's application. The selection board disregarded the notice of competition in finding that the applicant did not have a level of education which corresponds to completed university studies of at least 3 years attested by a final diploma, required for admission to the competition.

Action brought on 20 April 2018 — VW v Commission

(Case T-243/18)

(2018/C 231/39)

Language of the case: French

Parties

Applicant: VW (represented by: N. de Montigny, lawyer)

Defendant: European Commission

Form of order sought

Declare and rule that,

- the decision of the Appointing Authority of 26 June 2017 is annulled;
- in so far as necessary, the express decision rejecting the claim dated 19 January 2018 is annulled;
- the defendant is ordered to pay the costs.

Pleas in law and main arguments

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

1. First and principal plea in law, raising a plea of illegality directed against Article 20 of Annex VIII to the Staff Regulations since it infringes the principle of equal treatment enshrined in Article 20 of the Charter of Fundamental Rights and Article 52 of that Charter.
2. Second plea in law, raised in the alternative, in the event that the applicant were not able to rely on Article 20 of Annex VIII to the Staff Regulations, alleging an error of law committed by the defendant institution in interpreting Article 27 of Annex VIII to the Staff Regulations and, in the further alternative, if there were no error of law, alleging infringement of the principle of equal treatment enshrined in Article 20 of the Charter of Fundamental Rights and infringement of the principle of proportionality enshrined in Article 52 of that Charter.

Action brought on 20 April 2018 — Synergy Hellas v Commission

(Case T-244/18)

(2018/C 231/40)

Language of the case: Greek

Parties

Applicant: d.d.Synergy Hellas Anonymi Emporiki Etairia Parochis Ypiresion Pliroforikis (Athens, Greece) (represented by: K. Damis, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- declare the action admissible;
- annul Commission Decision C(2018) 1115 final of 19 February 2018 on the recovery of the sum of EUR 76 282,08, together with interest, from ‘d.d.Synergy HELLAS ANONYMI EMPORIKI ETAIRIA PAROCHIS YPIRESION PLIROFORIKIS’;
- order the European Commission to pay the costs.

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 infringement of Article 85 of Commission Regulation (EC, Euratom) No 2342/2002 ⁽¹⁾:
 - the refusal by the Commission to accept the legitimate request to grant an additional period within which to make payment, despite the fact that 73 % of the capital has already been repaid, including all interest, and even though the personal security requested by the Commission for the entire amount originally due, together with interest, has been constituted, is contrary to the provisions of that Article;
 - the Commission’s argument concerning the substantive legality of the contested measure is unfounded;
 - the Commission has failed to fulfil its obligation to state reasons for the contested decision.
2. Second plea in law, alleging infringement of, and/or exceeding the limits of its discretion and infringement of the principle of ‘good administration’
 - the Commission exceeded the limits of its discretion when it adopted the contested decision by disregarding essential evidence submitted by the applicant and by adopting solutions likely to lead to the liquidation of the applicant.
3. Third plea in law, alleging infringement of the principle of proportionality
 - the contested decision does not constitute a measure necessary to achieve the objective pursued, in so far as the applicant continues to pay and in so far as it imposes an excessive burden on the applicant and presents a substantive threat to its very existence.

⁽¹⁾ Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ 2002 L 357, p. 1).

Action brought on 23 April 2018 — RATP v Commission**(Case T-250/18)**

(2018/C 231/41)

*Language of the case: French***Parties**

Applicant: Régie autonome des transports parisiens (RATP) (Paris, France) (represented by: E. Morgan de Rivery, P. Delelis and C. Lavin, lawyers)

Defendant: European Commission