

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul Article 16 of Regulation (EU) No 517/2014 of the European Parliament and of the Council of 16 April 2014 on fluorinated greenhouse gases, on which the contested decision is founded, and as a result find that the contested decision is flawed in that regard;
- order the Commission to pay the costs of the proceedings.

Pleas in law and main arguments

In support of the action, the applicant relies on 2 pleas in law.

1. First plea in law: the applicant raises a plea under Article 277 TFEU concerning the invalidity of Article 16 of Regulation (EU) No 517/2014 of the European Parliament and of the Council of 16 April 2014 on fluorinated greenhouse gases and repealing Regulation (EC) No 842/2006, the contested decision being founded on that article, to the extent to which it bases the system of apportionment of quotas on reference values resulting from the historically-declared data in relation to F-gases placed on the market from 2009 to 2012, since that constitutes a discriminatory and arbitrary division of undertakings according to their historical activity on the market for gases, and it submits that the contested decision is therefore flawed in that regard.
2. Second plea in law: the applicant alleges a breach of essential procedural requirements and the infringement of the Treaty inasmuch as inadequate reasons were given for the introduction of the mechanism for dividing undertakings active on the F-gases market on the basis of the value of the F-gases historically placed on the market from 2009 to 2012, in accordance with Article 16(1) of Regulation (EU) No 517/2014.

Action brought on 25 February 2019 — Oosterbosch v Parliament

(Case T-131/19)

(2019/C 148/54)

Language of the case: French

Parties

Applicant: Marc Oosterbosch (Brussels, Belgium) (represented by: M. Casado García-Hirschfeld, lawyer)

Defendant: European Parliament

Form of order sought

The applicant claims that the Court should:

- declare that the present application is admissible and well founded;

consequently:

- annul the ‘contested decision’ comprising the payslips for the months of March, April and June 2018;
- declare, if necessary, that the decision of 6 November 2018 rejecting the complaint is annulled;
- order the defendant to pay all the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on a single plea in law, based on infringement of the principles of legality and legal certainty and a plea of illegality: the contested decision was taken on the basis of unlawful internal rules and implementing provisions.

Action brought on 26 February 2019 — Ashworth v Parliament

(Case T-132/19)

(2019/C 148/55)

Language of the case: French

Parties

Applicant: Richard Ashworth (Lingfield, United Kingdom) (represented by: A. Schmitt and A. Waisse, lawyers)

Defendant: European Parliament

Form of order sought

The applicant claims that the Court should:

- join the present case with the case brought by Mr Salvador Garriga Polledo and 45 others against the European Parliament on 19 February 2019 (Case T-102/19) on the basis of Article 68 of the Rules of Procedure of the General Court owing to the connection between those two cases;
- where necessary, by way of the measures of organisation of procedure or measures of inquiry of the case, order the European Parliament to disclose the opinions issued by the legal service of the European Parliament, which were allegedly delivered on 16 July 2018 and 3 December 2018, without prejudice to the precise date, and in any event before the adoption of the decision of the European Parliament Bureau of 10 December 2018 amending the Implementing Measures for the Statute for Members of the European Parliament (OJ 2018 C 466, p. 8, ‘the Implementing Measures’);
- annul the aforementioned decision of the Parliament Bureau of 10 December 2018 amending the Implementing Measures, in so far as it amends Article 76 of the Implementing Measures (recitals 5 and 6, Article 1(7) and Article 2 in so far as it concerns Article 76 of the Implementing Measures of the aforementioned decision), or in so far as it introduces a levy of 5 % on pensions payable after 1 January 2019, or, should it be deemed that all the aforementioned elements cannot be considered separately from the rest of the contested act, annul the aforementioned decision in its entirety;