

- in the still further alternative, order the EEAS to pay the applicant EUR 50 000 as compensation for those damages;
- order the EEAS to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant claims that the findings made against her by the tribunal de première instance du Hainaut (Court of First Instance, Hainaut, Belgium) in its judgment of 13 December 2017, relied on by the EEAS as constituting a particularly serious failure to comply with the obligations of officials, inter alia under Article 12 of the Staff Regulations, are incorrect. She also claims that the penalties imposed on her are discriminatory.

Action brought on 22 March 2019 — AV and AW v Parliament

(Case T-173/19)

(2019/C 172/54)

Language of the case: French

Parties

Applicants: AV and AW (represented by: L. Levi and S. Rodrigues, lawyers)

Defendant: European Parliament

Form of order sought

The applicants claim that the Court should:

- declare the present action admissible and well founded;
- consequently,
- annul the contested decisions;
 - order the defendant to pay the costs in their entirety.

Pleas in law and main arguments

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

1. First plea in law, alleging infringement, first, of Article 78 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ 2012 L 298, p.1) and, secondly, of the rights of the defence. The applicants submit in that regard that in the present case no administrative decision relating to a recovery order was brought to their attention before the adoption of the contested decisions concerning recovery of overpayments.
2. Second plea in law, alleging that there was no valid legal basis, on the ground that the disciplinary context in which the contested decisions were made precluded those decisions being based on Article 85 of the Staff Regulations.

3. Third plea in law, alleging infringement of Article 85 of the Staff Regulations. According to the applicants, even if the contested decisions could be based on Article 85 of the Staff Regulations, those decisions are vitiated by illegality, on the ground that the conditions for the application of that provision have not been met in the present case.
4. Fourth plea in law, alleging infringement of the principle of sound administration and of the duty to have regard to the welfare of officials which stems from that principle, on the ground, inter alia, that the defendant did not take the trouble to verify the accuracy of the irregularity detected by the European Anti-fraud Office (OLAF).
5. Fifth plea in law, alleging misuse of powers by the Parliament, in so far as it adopted the contested decisions mainly, if not exclusively, in order to achieve a purpose other than the purposes of Article 85 of the Staff Regulations, namely in order to satisfy the desire to penalise the applicants by means other than a disciplinary measure.

Action brought on 25 March 2019 — 3V Sigma/ECHA

(Case T-176/19)

(2019/C 172/55)

Language of the case: English

Parties

Applicant: 3V Sigma SpA (Milan, Italy) (represented by: C. Bryant and S. Hainsworth, Solicitors, and C. Krampitz, lawyer)

Defendant: European Chemicals Agency

Form of order sought

The applicant claims that the Court should:

- declare the application admissible;
- annul the decision of the defendant's board of appeal of 15 January 2019 regarding the substance evaluation of bis(2-ethylhexyl) 4,4'-{6-[4-tert-butylcarbamoyl] anilino}-1,3,5-triazine-2,4- diylidimino}dibenzoate insofar as it (i) dismissed the applicant's administrative appeal against the original decision and (ii) decided that the applicant must provide information on the OECD TG 308 study by 22 October 2020; and
- order defendant 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 plea in law, alleging that an error in law and a manifest error of assessment were committed in considering that the OECD TG 308 study is necessary.