

Form of order sought by the appellant

The appellant claims that the General Court should:

- set aside the judgment of the Civil Service Tribunal of the European Union of 25 September 2012 in Case F-41/10;
- consequently, uphold the appellant's form of order sought at first instance and thus
 - annul Decision No 88/10 A of 3 March 2010 of the President of the EESC rejecting the application brought by the appellant on 7 December 2009 and deciding to reassign him;
 - annul the addition to Decision No 88/10 of 25 March 2010;
 - annul Decision No 133/10 A of 24 March 2010 terminating the appellant's functions as head of unit of the legal service with immediate effect and reassigning him in his capacity as head of unit, together with his post, to another service from 6 April 2010;
 - annul Decision No 184/10 A of 13 April 2010 of the President of the EESC reassigning the applicant to the Directorate for Logistics, which took effect on 6 April 2010;
- order the respondent to pay EUR 17 500 in damages;
- order the respondent to pay all the costs;
- order the respondent to pay all of the costs incurred at both instances.

Grounds of appeal and main arguments

In support of his action, the appellant raises five grounds of appeal. In the appellant's view, the Civil Service Tribunal considered that he had suffered harm as a result of the communication of information to his hierarchy, in so far as he was deprived of his functions of head of the legal service, but that that harm did result from an infringement of Articles 12A and 22A of the Staff Regulations of Officials of the European Union.

1. First ground of appeal: infringement of the notion of act adversely affecting an official and distortion of the file (concerning, essentially, paragraphs 44 to 64 of the judgment under appeal).

2. Second ground of appeal: infringement of the principle of respect of the rights of the defence and an infringement of Article 41 of the Charter of Fundamental Rights of the European Union (concerning paragraphs 114 to 118 of the judgment under appeal).
3. Third ground of appeal: infringement of Articles 12A, 22A and 86 of the Staff Regulation, and an infringement of the duty to state reasons and distortion of the file (concerning, essentially, paragraphs 133 et seq. of the judgment under appeal).
4. Fourth ground of appeal: infringement of Article 86 of the Staff Regulations, of Annex IX thereto, of the general implementing provisions of Annex IX to the Staff Regulations and of the duty to respect the rights of the defence, distortion of the file, and an infringement of the duty to state reasons (concerning, essentially, paragraphs 75 to 78 of the judgment under appeal).
5. Fifth ground of appeal: infringement of the rules relating to the competence of the institution which adopted the act and an infringement of Article 22A of the Staff Regulations and of Article 72 of the Rules of Procedure of the EESC (concerning paragraphs 70 and 71 of the judgment under appeal).

Action brought on 12 December 2012 — Ziegler v Commission

(Case T-539/12)

(2013/C 55/29)

Language of the case: French

Parties

Applicant: Ziegler SA (Brussels, Belgium) (represented by: J. Bellis, M. Favart and A. Bailleux, lawyers)

Defendant: European Commission

Form of order sought

- Declare the present action admissible and well-founded;
- Hold that the European Commission has incurred the non-contractual liability of the European Union as regards the applicant;

— Order the European Union to pay the applicant the sum of EUR 1 472 000, together with interest from 11 March 2008 until payment in full, and the sum of EUR 112 872,50 per year from 11 March 2008, together with interest until payment in full;

— Order the European Union to pay the costs.

Pleas in law and main arguments

The damage in respect of which the applicant seeks compensation from the European Union includes two separate heads of claim.

Firstly, the applicant claims that it has suffered a loss by reason of the fine of EUR 9 200 000, together with interest at the rate of 7.60 % per annum, imposed on it by the Commission's decision of 11 March 2008 in Case COMP/38.543 — International removal services, for an infringement for which the European Union was partly responsible. The damage allegedly caused to the applicant stems from dual unlawful acts by the European Union:

— On the one hand, by making reimbursement of the removals costs to its officials subject to their obtaining three different quotes for removals and by refraining from exercising any control over the carrying out of that obligation when it was perfectly well aware of the lapses to which that practice gave rise, the European Union created a regulatory context favourable to the commission of the infringement of Article 101 TFEU for which the removal companies were then penalised. In so doing, the European Union failed in its duty of care and infringed the fundamental right of the applicant to sound administration.

— On the other, by seeking cover quotes from the applicant, the European Union officials have, as agents, directly incited the applicant to commit the infringement for which it has been penalised. Through its officials, the European Union thus contributed to the infringement of Article 101 TFEU which it then penalised and, moreover, disregarded the applicant's right to a fair hearing.

Secondly, since the adoption of the decision of 11 March 2008, the applicant is suffering a significant loss of earnings because, as the practice of cover quotes has not ceased, its refusal to respond favourably to such requests has the effect of removing

it from the markets concerned, to the extent that the applicant no longer supplies removal services to more than a very limited number of officials of the European institutions. It is a failure on the part of the European Union to fulfil its duty of care which is the cause of the loss thus suffered by the applicant.

Action brought on 18 December 2012 — Mikhalchanka v Council

(Case T-542/12)

(2013/C 55/30)

Language of the case: French

Parties

Applicant: Aliaksei Mikhalchanka (Minsk, Belarus) (represented by: M. Michaluskas, lawyer)

Defendant: Council of the European Union

Form of order sought

— Annul Council Decision 2012/642/CFSP of 15 October 2012 concerning restrictive measures against Belarus, insofar as it concerns the applicant;

— Annul Council Regulation (EU) NO 1041/2012 of 6 November 2012 amending Regulation (EC) No 765/2006 concerning restrictive measures against Belarus, insofar as it concerns the applicant;

— Annul Council Implementing Regulation No 1017/2012 of 6 November 2012 implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures against Belarus, insofar as it concerns the applicant;

— Order the Council to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on three pleas in law which are in essence identical or similar to those raised in Case T-196/11 *AX v Council*.⁽¹⁾

⁽¹⁾ OJ 2012 C 165, p. 19.