

C/2026/3423

6.7.2026

Action brought on 15 May 2026 – Tarabella v Parliament**(Case T-295/26)**

(C/2026/3423)

*Language of the case: French***Parties***Applicant:* Marc Tarabella (Anthiesnes, Belgium) (represented by: L. Merodio Marcos and L. Bosser, lawyers)*Defendant:* European Parliament**Form of order sought**

The applicant claims that the Court should:

- declare the present action admissible and well founded;
- annul the decision of the Bureau of the European Parliament of 9 February 2026 rejecting the applicant's complaint and confirming his obligation to repay the amount of EUR 28 668 pursuant to Article 43(2) of the Implementing Measures;
- order the defendant to pay all 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 an error of law, a manifest error of assessment, breach of the principle of good administration referred to in Article 41 of the Charter of Fundamental Rights of the European Union ('the Charter') and of the principle of proportionality referred to in Article 52(1) of the Charter in the interpretation of Article 43 of the Implementing Measures.

In the first part of that plea, the applicant alleges an error of law inasmuch as the Bureau interpreted Article 43(3) as precluding any application of *force majeure*, whereas those conditions were manifestly satisfied during the period in which the applicant was remanded in custody and barred from leaving the country, making it materially impossible for him to attend the plenary sessions.

In the second part of that plea, the applicant alleges a breach of the principles of good administration and proportionality inasmuch as the Bureau required strict compliance with a formality which had no practical use, since the Parliament had itself voted for the waiver of immunity and was aware of the reasons for the applicant's absences but nevertheless imposed on him a manifestly disproportionate financial penalty.

In the third part of that plea, the applicant alleges a manifest error of assessment inasmuch as the Bureau took the view that *force majeure* was not established for the applicant's absence in January 2023, whereas his remand in custody on 11 February 2023 made it impossible to comply with the formality before the deadline of 19 March 2023.

In the fourth part of that plea, the applicant alleges failure to state reasons inasmuch as the Bureau did not respond to the *force majeure* argument as an autonomous concept of EU law, thus infringing Article 41(2)(c) of the Charter.

2. Second plea in law, alleging breach of the principles of equal treatment and non-discrimination enshrined in Articles 20 and 21 of the Charter, and a manifest error of assessment in the interpretation of the concept of 'serious family circumstances' in Article 43(3) of the Implementing Measures.

The applicant is of the view that, by refusing to treat his remand in custody as 'serious family circumstances', whereas both situations share the same objective characteristics – an event that is serious, sudden, independent of the Member of Parliament's will and physically prevents that Member from attending the sessions – the Bureau treated comparable situations differently with no objective justification, in breach of Articles 20 and 21 of the Charter.

3. Third plea in law, alleging breach of the principle of legal certainty and infringement of Article 7 of the Charter in the interpretation of Article 43(3) of the Implementing Measures.

The applicant argues that, since the concept of 'serious family circumstances' has never been defined, the Bureau's restrictive interpretation of that concept is unpredictable and contrary to the requirements of clarity stemming from the principle of legal certainty. Furthermore, it is not compatible with the case-law of the European Court of Human Rights, according to which detention entails, by its very nature, a restriction of private and family life within the meaning of Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms, to which Article 7 of the Charter corresponds.
