

— Lastly, in the applicant's opinion, the Commission's reasoning is vitiated by an error of law relating to the characteristics of the procedure of imposing public service obligations. In that respect, the applicant submits that application of a non-mandatory term would have the effect of prolonging indefinitely the 'first phase' of the procedure, which is illogical, and inconsistent with the declaration of the Commission itself to the effect that the procedure for imposition of public service obligations, while unitary, consists of two phases.

Action brought on 23 July 2007 — Martin v Parliament

(Case T-276/07)

(2007/C 211/102)

Language of the case: French

Parties

Applicant: Hans-Petter Martin (Vienna, Austria) (represented by: É. Boigelot, lawyer)

Defendant: European Parliament

Form of order sought

- Annul the decision of 10 May 2007 taken by the Secretary-General of the European Parliament, notified on 14 May 2007, according to which it was decided that a certain sum had been paid unduly to the applicant and that, pursuant to Article 27(3) of the Rules governing the Payment of Expenses and Allowances to Members of the European Parliament, that sum was to be recovered from the applicant;
- If necessary, annul the decision of 13 June 2007 originating from the Director-General of the Directorate-General for Finance of the European Parliament, taken pursuant to the decision of 10 May 2007, putting the applicant on formal notice to pay the aforementioned amounts or to propose a written clearance plan accepted by the Parliament within 30 days of that decision;
- Annul, if necessary and where applicable, all decisions implementing the aforementioned decisions which might arise in the course of the proceedings;
- In any event, order the defendant to pay the costs.

Pleas in law and main arguments

Following an investigation concerning the secretarial allowances granted to the applicant in his capacity as Member of the European Parliament, the OLAF (European Anti-Fraud Office) drew up a report finding certain irregularities. On the basis of that report, the Secretary-General of the European Parliament adopted the contested decision of 10 May 2007, by which it decided that the sums which had been paid unduly to the applicant were to be reimbursed by him pursuant to Article 27(3) of the Rules governing the Payment of Expenses and Allowances to Members of the European Parliament.

The applicant relies on four pleas in law in support of his action.

The first plea alleges incorrect and inaccurate application of the Rules governing the Payment of Expenses and Allowances to Members of the European Parliament, in particular Articles 14 and 27(3) thereof.

The second plea alleges an error of assessment as to the relevance of the supporting documents provided by the applicant.

Moreover, the applicant relies on a plea alleging infringement of Council Regulation No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽¹⁾ and infringement of the principles of proportionality and non-discrimination.

Lastly, the applicant puts forward a plea alleging breach of the principle *audi alteram partem* and of the rights of the defence.

⁽¹⁾ OJ 2002 L 248, p. 1.

Appeal brought on 18 July 2007 by Luigi Marcuccio against the order of the Civil Service Tribunal of 11 May 2007 in Case F-2/06, Luigi Marcuccio v Commission

(Case T-278/07 P)

(2007/C 211/103)

Language of the case: Italian

Parties

Appellant: Luigi Marcuccio (Tricase, Italy) (represented by G. Cipressa, avvocato)

Other party to the proceedings: Commission of the European Communities