

Form of order sought

- Annul the vote of the European Parliament of 9 March 2011 concerning the calendar of session periods of the Parliament for 2012;
- Order the European Parliament to pay the costs.

Pleas in law and main arguments

The applicant relies on a single plea in law in support of its action alleging, first, infringement of Protocol No 6 on the location of the seats of the institutions and of certain bodies, offices, agencies and departments of the European Union, annexed to the TFEU, and of Protocol No 3 on the location of the seats of the institutions and of certain bodies, offices, agencies and departments of the European Union, annexed to the EAEC Treaty and, second, failure to comply with the judgment of the Court in Case C-345/95 *France v Parliament* [1997] ECR I-5235.

According to the French Government, by laying down that two of the twelve periods of monthly plenary sessions which must take place in Strasbourg every year will be shortened from 4 to 2 days and will take place, in 2012, during the same week of October, the European Parliament has sought to circumvent the rule according to which the twelve periods of monthly plenary sessions, including the budget session, must take place in Strasbourg. The contested vote amounts, in practice, to the abolition of one of the twelve periods of monthly plenary sessions which must take place in Strasbourg every year. Its only objective is thus to reduce the length of time members of the European Parliament spend at the seat of the European Parliament, which is not justified by any requirement relating to the internal organisation of the Parliament's work.

Action brought on 19 May 2011 — French Republic v European Parliament**(Case C-238/11)**

(2011/C 226/25)

*Language of the case: French***Parties**

Applicant: French Republic (represented by: E. Belliard, G. de Bergues and A. Adam)

Defendant: European Parliament

Form of order sought

- annul the deliberations of the European Parliament of 9 March 2011 relating to the calendar of periods of sessions of the Parliament for the year 2013;
- order the European Parliament to pay the costs.

Pleas in law and main arguments

The applicant puts forward a single plea in support of its action, alleging, first, infringement of the Protocol No 6 on the location of the seats of the institutions and of certain bodies, agencies and departments of the European Union, annexed to the TEU and the TFEU, and of Protocol No 3 on the location of the seats of the institutions and of certain bodies, agencies and departments of the European Union, annexed to the ECSC Treaty, and, second, non-compliance with the judgment of the Court of 1 October 1997 in Case C-345/95 *France v Parliament* [1997] ECR I-5235.

According to the French Government, in providing that two of the 12 periods of monthly plenary sessions which must be held each year in Strasbourg are to be reduced from four to two days and will take place, in 2013, during the same week of October, the European Parliament sought to circumvent the rule that the 12 periods of monthly plenary sessions, including the budget session, must be held in Strasbourg. The contested deliberation leads, in reality, to one of the 12 periods of monthly plenary sessions which must be held in Strasbourg being eliminated. Its sole objective is thus to diminish the length of time the MEPs are present at the seat of the European Parliament, without its being justified by internal organisational requirements relating to the work of the Parliament.

Appeal brought on 19 May 2011 by Siemens AG against the judgment of the General Court (Second Chamber) delivered on 3 March 2011 in Case T-110/07 Siemens AG v European Commission**(Case C-239/11 P)**

(2011/C 226/26)

*Language of the case: German***Parties**

Appellant: Siemens AG (represented by: Drs I. Brinker, C. Steinle, M. Hörster, Rechtsanwälte)

Other party to the proceedings: European Commission

Form of order sought

1. Set aside the judgment of the General Court (Second Chamber) of 3 March 2011 (Case T-110/07) in so far as the appellant is adversely affected by that judgment;
2. Partially annul the Commission Decision of 24 January 2007 (COMP/F/38.899 — Gas insulated switchgear) in so far as it concerns the appellant,

In the alternative, cancel or reduce the fine imposed on the appellant in that decision;
3. In the alternative to the second head of claim, refer the case back to the General Court for determination in accordance with the judgment of the Court of Justice as to points of law;