

- refer the case back to the General Court for hearing on the merits or, in the alternative, uphold the claims put forward at first instance in their entirety;
- order the defendant at first instance, respondent in the current proceedings, to pay the costs of all proceedings.

Pleas in law and main arguments

The appellant puts forward three grounds of appeal in support of his appeal against the order of the general Court of 27 February 2014.

By his first ground of appeal, the appellant begins by arguing that the General Court misinterpreted Article 263 TFEU and Articles 90 and 91 of the Staff Regulations ⁽¹⁾, as well as Articles 2 and 35 of the Rules on sickness insurance for officials of the European Communities. The appellant claims, first, that the order under appeal is vitiated by an error of law in that the General Court held that actions by former members of the Court against acts adversely affecting them in the area of JSIS coverage come solely within the scope of Article 263 TFEU and had to be brought within two months, as provided for under that provision. Secondly, the General Court erred in law in holding that Article 90(2) of the Staff Regulations of Officials is not applicable to members and former members of the Court.

By his second ground of appeal, the appellant then argues that the General Court erred in law in refusing to apply the case-law on excusable error.

Lastly, by his third plea, the appellant submits that the application of Article 111 of the General Court's Rules of Procedure is vitiated by an error of law and a procedural irregularity. The appellant disagrees that the action brought before the General Court was 'manifestly' inadmissible, which prevented it from specifying the ground of inadmissibility which served as the basis for that ruling. The General Court also infringed the appellant's right to a fair hearing, his rights of defence and, in particular, the right to be heard and the right to an effective remedy, contrary to Article 47 of the Charter of Fundamental Rights of the European Union.

⁽¹⁾ Council Regulation (EC, Euratom) No 723/2004 of 22 March 2004 amending the Staff Regulations of officials of the European Communities and the Conditions of Employment of other servants of the European Communities (OJ 2004 L 124, p. 1).

Request for a preliminary ruling from the Simvoulío tis Epikratias (Council of State) lodged on 7 May 2014 — Konstantinos Maistrellis v Minister for Justice, Transparency and Human Rights

(Case C-222/14)

(2014/C 235/11)

Language of the case: Greek

Referring court

Simvoulío tis Epikratias (Council of State)

Parties to the main proceedings

Applicant: Konstantinos Maistrellis

Defendant: Minister for Justice, Transparency and Human Rights

Question referred

Must the provisions of Directive 96/34/EC ⁽¹⁾ and Directive 2006/54/EC ⁽²⁾, in so far as they are applicable, be interpreted as precluding national regulations, such as the contested provision of the third sentence of Article 53(3) of Law 3528/2007, providing that if the civil servant's wife does not work or exercise any profession the male spouse is not entitled to parental leave, unless it is considered that due to a serious illness or injury the wife is unable to meet the needs related to the upbringing of the child?

⁽¹⁾ Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC (OJ 1996 L 145, p. 4).

⁽²⁾ Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast) (OJ 2006 L 204, p. 23).