

Operative part of the order

1. *The action is dismissed as being inadmissible.*
2. *Club Hotel Loutraki AE, Vivere Entertainment AE, Theros International Gaming, Inc., Elliniko Casino Kerkyras, Casino Rodos and Porto Carras AE shall bear their own costs and pay those incurred by the European Commission and by Organismos Prognostikon Agonon Podosfairou AE (OPAP).*
3. *The Hellenic Republic shall bear its own costs.*

⁽¹⁾ OJ C 114, 20.4.2013.

Order of the General Court of 26 March 2014 — Adorisio and Others v Commission

(Case T-321/13) ⁽¹⁾

(Action for annulment — State aid — Aid granted to banks during the crisis — Recapitalisation of SNS Reaal and SNS Bank — Decision declaring the aid compatible with the internal market — Expropriation of holders of subordinated bonds — No legal interest in bringing proceedings — No standing to bring proceedings — Manifestly inadmissible)

(2014/C 159/37)

Language of the case: English

Parties

Applicants: Stefania Adorisio (Rome, Italy) and the 363 other applicants whose names are listed in the Annex to the order (represented by: F. Sciaudone, L. Dezzani, R. Sciaudone, S. Frazzani and D. Contini, lawyers)

Defendant: European Commission (represented by: L. Flynn and P.-J. Loewenthal, acting as Agents)

Re:

Application for annulment of Commission Decision C(2013) 1053 final of 22 February 2013 relating to State aid SA.35382 (2013/N) — Kingdom of the Netherlands — Rescue SNS Reaal 2013

Operative part of the order

1. *The action is dismissed as manifestly inadmissible.*
2. *Ms Stefania Adorisio and the 363 other applicants listed in the Annex hereto shall pay the costs.*

⁽¹⁾ OJ C 233, 10.8.2013.

Appeal brought on 21 February 2014 by Carlos Andres and 150 other applicants against the judgment of the Civil Service Tribunal of 11 December 2013 in Case F-15/10, Andres and Others v ECB

(Case T-129/14 P)

(2014/C 159/38)

Language of the case: French

Parties

Appellants: Carlos Andres (Frankfurt am Main, Germany) and 150 other appellants (represented by: L. Levi, lawyer)

Other party to the proceedings: European Central Bank (ECB)

Form of order sought by the appellant

- Annul the judgment of the Civil Service Tribunal of the European Union of 11 December 2013 in Case F-15/10;
- Consequently, uphold the claims of the appellants at first instance and, accordingly,
 - Annul the payslips for June 2009 in so far as those payslips constitute the initial implementation in regard to the applicants of the reform of the pension scheme decided by the Governing Council on 4 May 2009 and annul, to the same extent, all subsequent payslips and all future pension statements;
 - To the extent necessary, annul the decisions rejecting the applications for administrative review and complaints brought under the grievance procedure dated 28 August and 17 December 2009 respectively;
 - Consequently,
 - Order the defendant to pay the difference between the salary and pension resulting from the decision of the Governing Council of 4 May 2009 and that paid in application of the preceding pension scheme, that difference to be increased by interest for late payment with effect from 15 June 2009 and then on the 15th of each month until the difference has been completely made up, the rate of interest being the ECB rate, increased by three points,
 - Order the defendant to pay damages for the loss suffered by reason of the loss of purchasing power, that loss to be assessed *ex aequo et bono*, and, on a provisional basis, at 1% of the monthly salary of each applicant;
 - Order the European Central Bank to pay all the costs;
- Order the respondent to the appeal to pay all the costs of both sets of proceedings.

Pleas in law and main arguments

In support of the appeal, the appellants rely on eight pleas in law.

1. First plea in law, alleging infringement of Article 6.8 of Annex III to the Conditions of Employment, an infringement of the principles of legality and of legal certainty and infringement of Article 35(1)(e) of the Rules of Procedure of the Civil Service Tribunal.
2. Second plea in law, alleging infringement of the powers of the Supervisory Committee, infringement of Annex III to the Conditions of Employment and of the mandate of the Supervisory Committee, and infringement of the principle of good faith.
3. Third plea in law, alleging infringement of the right of consultation of the Staff Committee and of the Supervisory Committee, infringement of the principle of good faith, infringement of Articles 45 and 46 of the Conditions of Employment, infringement of the Memorandum of Understanding on relations between the Executive Board and the Staff Committee of the ECB, infringement of Annex III to the Conditions of Employment and of the mandate of the Supervisory Committee, and distortion of the file.
4. Fourth plea in law, alleging infringement of Article 6.3 of the pension plan, infringement of the review of the grounds of the decision of 4 May 2009, distortion of the file and infringement of the principle of sound financial management.
5. Fifth plea in law, alleging infringement of the review of the manifest error of assessment and distortion of the file.
6. Sixth plea in law, alleging infringement of the principle of proportionality, failure to state reasons, distortion of the file and infringement of the evidence.
7. Seventh plea in law, alleging failure to acknowledge the difference between a contractual employment relationship and an employment relationship covered by the Staff Regulations, infringement of the fundamental terms of the employment relationship and infringement of Directive 91/533. ⁽¹⁾

8. Eighth plea in law, alleging infringement of acquired rights.

(¹) Council Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform the employees of the conditions applicable to the contract or employment relationship directive (OJ 1991 L 288, p. 32).

Appeal brought on 21 February 2014 by Catherine Teughels against the judgment of the Civil Service Tribunal of 11 December 2013 in Case F-117/11 *Teughels v Commission*

(Case T-131/14 P)

(2014/C 159/39)

Language of the case: French

Parties

Appellant: Catherine Teughels (Eppegem, Belgium) (represented by L. Vogel, lawyer)

Other party to the proceedings: European Commission

Form of order sought by the appellant

The appellant claims that the General Court should:

- set aside entirely the judgment under appeal, delivered on 11 December 2013 by the European Union Civil Service Tribunal sitting in full court, notified by fax of 11 December 2013, whereby it dismissed the action brought by the appellant dated 8 November 2011;
- examine the substance of the action brought by the appellant before the Civil Service Tribunal, find the action to be well founded and, consequently, annul the decisions which were the subject-matter of that action;
- order the respondent to pay the costs of the proceedings, under Article 87(2) of the Rules of Procedure, including essential expenses incurred for the purposes of the proceedings, and particularly the costs of maintaining an address for service, the travel and subsistence expenses and the remuneration of the lawyers, under Article 91(b) of the Rules of Procedure.

Grounds of appeal and main arguments

In support of the appeal, the appellant relies on two grounds.

1. First ground based on a claimed infringement of Article 11(2) of Annex VIII to the Staff Regulations of Officials of the European Union ('the Staff Regulations') and Article 26(1) and (4) of Annex XIII to the Staff Regulations, a disregard of acquired rights and infringement of the principles of legal certainty and non-retroactivity, and a failure to state reasons. The appellant claims that:
 - the Civil Service Tribunal gave retroactive effect to the general implementing provisions adopted in 2011 relating to Articles 11 and 12 of Annex VIII to the Staff Regulations on the transfer of pension rights by deciding that, in order to determine the number of years of pensionable service corresponding, under the Community pension scheme, to the actuarial equivalent of the appellant's pension rights under the Belgian pension scheme, the appointing authority could properly apply the 2011 general implementing provisions on the ground that at the date when those provisions entered into force, the appellant was not in a situation which was 'fully constituted' under the 2004 general implementing provisions, since she had not accepted the proposed calculation which had prior to that date been communicated to her, notwithstanding that the application for transfer of pension rights had been made in November 2009, that the appellant's rights had therefore definitively crystallised on that date and that they had consequently to be determined by applying the 2004 general implementing provisions;
 - the Civil Service Tribunal did not provide any legal basis for its analysis and did not explain on what ground the Staff Regulations provisions relied on by the appellant in her application at first instance and the principles enshrined therein should be disregarded in this case.