

5. Fifth plea in law, alleging an infringement of the protection of legitimate expectations.
  - The applicant puts forward that the European Commission accepted the fact that the applicant was assisted by another legal entity and therefore created the legal expectation that the costs derived from this relationship would be perfectly eligible.
6. Sixth plea in law, alleging a lack of clarity in the rules applicable to the 6<sup>th</sup> Framework Programme for Research and Technological Development ('FP6').
  - The applicant puts forward that according to Article 1162 of the Belgian Civil Code, should uncertainty arise, an agreement is to be interpreted against he who stipulated it and in favor of he who contracted the obligation. The contractual rules applicable to FP6 result from 'standard' clauses established by the European Commission, to which the applicant had no other possibility but to adhere, making it the party who contracted the obligation. This situation, together with the fact that they pose evident problems of interpretation, as illustrated by the high numbers of appeals before the General Court questioning them, justifies that the uncertainty must benefit the applicant. The interpretation rule of Article 1162 of the Belgian Civil Code makes it possible for the judge to construe the badly drafted or ambiguous provisions against their author, being the Commission.

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**Appeal brought on 31 March 2015 by the European Commission against the judgment of the Civil Service Tribunal of 22 January 2015 in Joined Cases F-1/14 and F-48/14, *Kakol v Commission***

**(Case T-152/15 P)**

(2015/C 190/24)

*Language of the case: French*

#### **Parties**

*Appellant:* European Commission (represented by J. Curren and G. Gattinara, acting as agents)

*Other party to the proceedings:* Danuta Kakol (Luxembourg, Luxembourg)

#### **Form of order sought by the appellant**

The appellant claims that the General Court should:

- Annul the judgment of the Civil Service Tribunal of 22 January 2015 in Joined Cases F-1/14 and F-48/14, *Kakol v Commission*;
- Refer Case F-48/14 back to the Civil Service Tribunal, the appellant having withdrawn its action in Case F-1/14;
- Reserve the costs.

#### **Pleas in law and main arguments**

In support of the appeal, the appellant relies on three pleas in law.

1. First plea in law, alleging that the Civil Service Tribunal ('the CST') erred in law in having held, where the conditions for admissions are 'similar', a jury is required to give reasons for the decision and not to admit a candidate to the tests on the basis of the assessment carried out by another jury for another competition in respect of the same candidate.
2. Second plea in law, alleging the infringement of the requirement to give reasons, the CST having recognised that the nationality of the candidates was a condition for admission, in addition to others, but which, despite that, was not capable of creating a difference between the two opinions of the competitions in question.

3. Third plea in law, alleging the distortion of an essential matter in the case file, the CST having considered that the jury did not explain how its decision was different from that of the previous jury, even though the Commission had clearly set out that reasoning, both in its written submissions and at the hearing.

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**Action brought on 27 March 2015 — Hamcho and Hamcho International v Council**

**(Case T-153/15)**

(2015/C 190/25)

*Language of the case: French*

**Parties**

*Applicants:* Mohamed Hamcho (Damascus, Syria) and Hamcho International (Damascus) (represented by: A. Boesch, D. Amaudruz and M. Ponsard, lawyers)

*Defendant:* Council of the European Union

**Form of order sought**

The applicants claim that the Court should:

- Order the production of the file in Case T-43/12;
- Reserve the applicants the right to reply and, on this occasion, to produce new documents and to call witnesses;
- Annul, in so far as these measures concern the applicants:
  - Council Implementing Regulation (EU) No 2015/108 of 26 January 2015;
  - Council Implementing Decision (CFSP) No 2015/117 of 26 January 2015;
- Order the Council to pay the costs.

**Pleas in law and main arguments**

In support of the action, the applicants rely on two pleas in law which are in essence identical or similar to those raised in Case T-653/11 *Jaber v Council*<sup>(1)</sup>.

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<sup>(1)</sup> OJ 2012, C 58, p. 12.

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**Action brought on 27 March 2015 — Jaber v Council**

**(Case T-154/15)**

(2015/C 190/26)

*Language of the case: French*

**Parties**

*Applicant:* Aiman Jaber (Lattakia, Syria) (represented by: A. Boesch, D. Amaudruz and M. Ponsard, lawyers)

*Defendant:* Council of the European Union

**Form of order sought**

The applicant claims that the Court should:

- Order the production of the file in Case T-653/11;
- Reserve the applicant the right to reply and, on this occasion, to produce new documents and to call witnesses;