

— Order the European Commission to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on four pleas in law.

1. First plea in law, alleging that the European Commission violated the principle of conferral under Articles 5(1) and 5(2) TEU by proceeding on an incorrect legal basis;
2. Second plea in law, alleging that the European Commission violated Article 266 TFEU by failing to take the necessary measures to comply with the judgment of the Court of Justice in C & J Clark International, C-659/13 and C-34/14, EU: C:2016:74;
3. Third plea in law, alleging that the European Commission violated Articles 5(1) and 5(4) TEU by adopting an act that exceeds what is necessary to achieve its objective; and
4. Fourth plea in law, alleging that the European Commission misused its powers by using its competences for a purpose other than that for which they were conferred upon it.

Action brought on 17 May 2016 — NI v EDPS

(Case T-237/16)

(2016/C 260/54)

Language of the case: Spanish

Parties

Applicant: NI (Madrid, Spain) (represented by: A. Gómez-Acebo Dennes, lawyer)

Defendant: European Data Protection Supervisor

Form of order sought

The applicant claims that the Court should:

- Annul and declare inapplicable the decision of the European Data Protection Supervisor of 18 March 2016, rejecting the applicant's request for review of the decision of that Supervisor of 08 December 2015, and order the cessation by the European Ombudsman of the current or future processing of personal data contained in a contract entered with the applicant.
- Order the European Ombudsman to refrain from publishing any personal data of the applicant or data that makes the applicant identifiable. In particular, it should order the European Ombudsman not to make any reference to the position held by the applicant.
- Order the European Ombudsman to process and to comply completely and thoroughly with the right to object to the processing of his personal data in the Own Initiative Inquiry 2/2014 proceedings or any other proceedings that have the same purpose and to which the applicant may be a party.
- Order the European Data Protection Supervisor to pay the costs.

Pleas in law and main arguments

The present action is directed, in substance, against the decision of the defendant not to uphold the applicant's complaint regarding the refusal to conceal certain personal data relating to the processing, before the European Ombudsman, of two investigations concerning the authorisation given to the applicant to carry out a professional activity in the private sector, after he had finished his duties as a member of the European Commission.

In support of the action, the applicant relies on five pleas in law.

1. The activity of the applicant, the procedure followed by the Commission when authorising his activity subsequent to carrying out his duties as a member of the Commission, the first investigation carried out by the European Ombudsman concerning that authorisation, and the reopening of the case investigated by the new European Ombudsman, together with the intention of the latter to publish personal data of the applicant, which make him directly and indirectly identifiable, have not been duly taken into consideration by the defendant in the light of the statutory provisions and case-law applicable to its decisions.
2. The anonymous collection of data does not make it possible to ensure the traceability necessary to determine whether the processing of data by the European Ombudsman is lawful, given that that data has been obtained anonymously and processed unlawfully.
3. According to the applicant, the processing of the data that is the subject of the present proceedings must be regarded as excessive, inappropriate and irrelevant to the purpose for which it was collected, even if this was done anonymously. The contract delivered concerns, solely and exclusively, the relationship between the applicant and a private company, after the applicant had left his post as a member of the Commission, and the subject of that contract is unrelated to his duties in the Commission.
4. There is no new information or facts that justify the processing and publication of the applicant's personal data, which, moreover, were considered confidential in the first investigation carried out by the previous European Ombudsman. A change in the confidential treatment of the data in question has no legal basis nor have grounds been given for this at any time by the European Ombudsman.
5. The publication of the personal data in the present case does not contribute in any way to a better investigation, given that the European Ombudsman can investigate the authorisation given to the applicant to carry out private employment without using data concerning his private life and, in particular, without publishing that data.

Action brought on 17 May 2016 – Clean Sky 2 Joint Undertaking v Scouring Environnement

(Case T-238/16)

(2016/C 260/55)

Language of the case: English

Parties

Applicant: Clean Sky 2 Joint Undertaking (CSJU) (represented by: B. Mastantuono, agent, assisted by M. Velardo, lawyer)

Defendant: Scouring Environnement SARL (Tauriac, France)

Form of order sought

The applicant claims that the Court should:

- order the defendant to pay the CSJU the amount of 60 000,00 euros in relation to the Grant Agreement No 287071 'BiMed – Bicarbonate media blasting for paint-varnish removal and dry surface treatment', plus the amount of 3 600,00 euros as late payment interest calculated at a rate of 3,65 % for the period between 12 September 2014 and 3 May 2016; and
- order the defendant to pay the costs of the present proceedings.