

- Second limb: the contested decision is based on factors which were not envisaged in the action plan.
2. Second plea in law, alleging breach of the principle of proportionality.

Action brought on 24 September 2016 — PL v Commission

(Case T-689/16)

(2016/C 441/29)

Language of the case: French

Parties

Applicant: PL (Brussels, Belgium) (represented by: J.-N. Louis and N. de Montigny, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the confirmatory decision of 22 December 2015 of the Head of Unit DG HR.B4 ‘Career and performance management’ not to give effect to the judgment of the Civil Service Tribunal of 15 April 2015 by adopting a decision, already implemented for more than 3 years, to reassign the applicant, in the interest of the service, from the European Union Delegation in the West Bank and the Gaza Strip (East Jerusalem) to the Directorate-General for Mobility and Transport (MOVE) in Brussels with retroactive effect as of 1 January 2013;
- annul the implicit decision of 20 August 2015 to reject the applicant’s request, made through his legal counsel, to be informed of the measures taken by the Commission to give effect to the judgment of the Civil Service Tribunal of 15 April 2015 in Case F-96/13;
- order the Commission to pay to the applicant EUR 250 000 as compensation for the material and non-material harm which he has suffered;
- order the Commission to pay the costs.

Pleas in law and main arguments

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

1. First plea: infringement of Article 266 TFEU in so far as the contested decisions are not compatible with the operative part of the judgment of the Civil Service Tribunal (‘CST’) of 15 April 2015 in Case F-96/13 in relation to its grounds which form the necessary support for the operative part, in the sense that they are indispensable for determining the exact meaning of the ruling in the operative part.
 - The applicant considers that Article 266 TFEU requires the Commission to ensure that any act replacing the annulled act is not tainted by the same irregularities as those identified in the judgment ordering annulment, which is the position in the present case.
 2. Second plea: abuse of procedure in so far as the contested decisions do not constitute a proper, *bona fide* and fair implementation of the CST’s judgment ordering annulment and were merely adopted with the sole aim of conferring a veneer of legality on a decision which, although annulled, had already been implemented for more than three years.
 3. Third plea: breach of Article 22a of the Staff Regulations.
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