

*Defendant:* Single Resolution Board

### **Form of order sought**

The applicants claim that the General Court should:

- Take note of the annulment proceedings against the 'Decision of the Single Resolution Board made at the Executive Session on 7 June 2017 relating to the resolution plan of Banco Popular Español, S.A., legal person identification No 80H66LPTVDLM0P28XF25, addressed to the FROB (SRB/EES/2017/08)';
- Annul the contested Decision;
- Declare Articles 18 and 29 of Regulation (EU) No 806/2014 illegal and inapplicable;
- Order the Single Resolution Board to pay the costs.

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

The pleas in law and main arguments are similar to those put forward in Cases T-478/17, *Mutualidad de la Abogacía and Hermandad Nacional de Arquitectos Superiores y Químicos v Single Resolution Board*, T-481/17, *Fundación Tatiana Pérez de Guzmán el Bueno and SFL v Single Resolution Board*, T-482/17, *Comercial Vascongada Recalde v Commission and Single Resolution Board*, T-483/17, *García Suárez and Others v Commission and Single Resolution Board*, T-484/17, *Fidesban and Others v Single Resolution Board*, T-497/17, *Sánchez del Valle and Calatrava Real State 2015 v Commission and Single Resolution Board*, and T-498/17, *Pablo Álvarez de Linera Granda v Commission and Single Resolution Board*.

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## **Action brought on 16 August 2017 — Fortischem v Parliament and Council**

**(Case T-560/17)**

(2017/C 369/42)

*Language of the case:* English

### **Parties**

*Applicant:* Fortischem a.s. (Nováky, Slovakia) (represented by: C. Arhold, P. Hodál and M. Staroň, lawyers)

*Defendants:* European Parliament, Council of the European Union

### **Form of order sought**

The applicant claims that the Court should:

- annul letter (d) in Annex III, Part I, to Regulation (EU) 2017/852 of the European Parliament and of the Council of 17 May 2017 on mercury, and repealing Regulation (EC) No 1102/2008 <sup>(1)</sup>; and
- award the applicant the costs of the action.

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

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

1. First plea in law, alleging that the contested provision must be annulled because it infringes the principle of legitimate expectations by depriving the mercury cell production site operators of their possibility to receive an extension for complying with the best available techniques if the conditions under Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) are met.

2. Second plea in law, alleging that the contested provision must be annulled because it infringes the principle of proportionality by (i) setting a firm phase-out deadline for mercury cell production well ahead of the deadline ensuing from the applicable international regulation on mercury, without at least providing the possibility of granting extensions/exemptions in specific cases, (ii) promoting legislation which is unable to provide any significant environmental benefits to a wider public but at the same time causing significant disadvantages to the business operators, and (iii) ignoring existing legislation already providing clear rules for phase-out and extensions/exemptions and failing to provide hardship clauses on its own.
3. Third plea in law, alleging that the contested provision must be annulled because it will cause losses for the applicant's business operations tantamount to a breach of the fundamental right to property under the Charter of Fundamental Rights of the European Union, being disproportionate to the objectives of the contested provision and capable of being achieved by less restrictive measures.

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<sup>(1)</sup> Regulation (EU) 2017/852 of the European Parliament and of the Council of 17 May 2017 on mercury, and repealing Regulation (EC) No 1102/2008 (OJ 2017, L 137, p. 1)

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**Action brought on 21 August 2017 — UC v Parliament**

**(Case T-572/17)**

(2017/C 369/43)

*Language of the case: French*

**Parties**

*Applicant:* UC (represented by: A. Tymen, lawyer)

*Defendant:* European Parliament

**Form of order sought**

The applicant claims that the Court should:

- declare the present action admissible and well founded
- and consequently
- annul the applicant's staff report for 2015 and the decision to award him only two merit points for that year;
  - annul the decision of the appointing authority of 9 May 2017 rejecting the applicant's complaint of 13 January 2017;
  - order the defendant to pay damages, to be fixed *ex aequo et bono* at EUR 9 000, to compensate the applicant for the non-material damage suffered;
  - order the defendant to pay all the costs.

**Pleas in law and main arguments**

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

1. First plea in law, alleging, first, infringement of Article 41 of the Charter of Fundamental Rights and Article 25 of the Staff Regulations of Officials and, secondly, infringement of the obligation to state reasons and of the applicant's rights of defence.
  2. Second plea in law, alleging infringement of the right to be heard and Article 41 of the Charter.
  3. Third plea in law, alleging a manifest error of assessment.
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