

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.

---

<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)

---

**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.
-