

Defendant: Single Resolution Board

Form of order sought

The applicant claims that the General Court should:

- Annul the decision of the Single Resolution Board (SRB/EES/2017/08) and the independent expert's valuation on which it is based in accordance with Article 20(15) of Regulation No 806/2014;
- 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*.

Action brought on 11 October 2017 — UP v Commission

(Case T-706/17)

(2018/C 005/67)

Language of the case: French

Parties

Applicant: UP (represented by: M. Casado García-Hirschfeld, lawyer)

Defendant: European Commission

Form of order sought

- Declare the present application admissible and well-founded;

Consequently:

- Annul the decision of 26 April in which DG HR opposed the applicant's application for part-time work for medical reasons;
- Annul, if necessary, the decision of 12 July 2017 rejecting the appeal;
- Order the compensation of the applicant's pecuniary and non-pecuniary loss following from those decisions, estimated, subject to re-assessment, at the sum of EUR 8 800;
- Order the defendant to pay all the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on a single plea in law, divided into two parts.

The first part alleges infringement of the principle of equal treatment and non-discrimination and infringement of the right to be heard, in that the Appointing Authority based its decision on rules showing cases different from the applicant's without having heard her or allowed her to put forward her observations to influence the content of the proposed decision and, in consequence, infringed her rights of the defence.

The second part alleges infringement of the principle of sound administration and the duty of care, and a manifest error of assessment of the facts committed by the Appointing Authority, in that it could have considered the allowances for incapacity for work in the light of the general rules of reimbursement of the Joint Rules. The applicant is of the opinion that there is no statutory provision which prevents those allowances from being accumulated with the income drawn from her professional activity, on the ground that her medical situation and her degree of incapacity do not correspond to the medical invalidity criteria provided for in the Staff Regulations of Officials.

Action brought on 7 November 2017 — Euracoal and Others v Commission

(Case T-739/17)

(2018/C 005/68)

Language of the case: German

Parties

Applicants: Association européenne du charbon et du lignite (Euracoal) (Woluwe-Saint-Pierre, Belgium), Deutscher Braunkohlen-Industrie-Verein e.V. (Cologne, Germany), Lausitz Energie Kraftwerke AG (Cottbus, Germany), Mitteldeutsche Braunkohlengesellschaft mbH (Zeitz, Germany), eins energie in sachsen GmbH & Co. KG (Chemnitz, Germany) (represented by: W. Spieth and N. Hellermann, lawyers)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

- annul Commission Implementing Decision (EU) 2017/1442 of 31 July 2017 establishing the best available techniques (BAT) conclusions under Directive 2010/75/EU ⁽¹⁾ of the European Parliament and of the Council on industrial emissions (OJ 2017 L 212, p. 1), to the extent to which, by that decision, BAT associated emissions levels (BAT-AELs) were accepted and set for NO_x emissions (Article 1, Section 2.1.3 of the Annex, Table 3) and mercury emissions (Article 1, Section 2.1.6 of the Annex, Table 7) which result from the combustion of coal and/or lignite;
- in the alternative, annul Implementing Decision (EU) 2017/1442 in its entirety; and
- order the European Commission to pay the costs of the proceedings.

Pleas in law and main arguments

In support of the action, the applicants rely on three pleas in law:

1. First plea in law, alleging infringement of essential procedural requirements, breach of superior law and disregard for the limits on conferred powers in connection with the vote in the Article 75 Committee,