

**Plea in law**

— Infringement of Article 8(1)(b) of Regulation No 207/2009.

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**Action brought on 15 December 2017 — Seco Belgium and Vinçotte v Parliament****(Case T-812/17)**

(2018/C 052/51)

*Language of the case: French***Parties**

*Applicants:* Seco Belgium (Brussels, Belgium) and Vinçotte (Vilvoorde, Belgium) (represented by: A. Delvaux and R. Simar, lawyers)

*Defendant:* European Parliament

**Form of order sought**

The applicants claim that the Court should:

- declare the action for annulment admissible;
- annul the decision, the date of which is unknown, whereby the European Parliament decided to award Contract [06D20/2017/M005 — Assignments to perform inspections and provide technical opinions in the context of construction works, projects and purchases at the European Parliament in Brussels (OJ 2017/S 118-236114)] to [another tenderer];
- order the Parliament to pay the costs.

**Pleas in law and main arguments**

In support of the action, the applicants rely on a single plea in law, alleging infringement of Articles 1.1, 1.2 and 1.3 of the 'Technical specifications' annex to the Tender Specification relating to Contract Notice 06D20/2017/M005 — Assignments to perform inspections and provide technical opinions in the context of construction works, projects and purchases at the European Parliament in Brussels (OJ 2017/S 118-236114), a manifest error of assessment, infringement of general principles of EU law, breach of the duties of care and scrutiny, infringement of the principles of equal treatment and transparency, failure to fulfil the duty to state reasons deriving from, inter alia, Article 113 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ 2012 L 298, p. 1) and Article 161 of Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (OJ 2012 L 362, p. 1), infringement of the right to an effective remedy, and infringement of some of the provisions governing the award of the contract in question.

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**Action brought on 14 December 2017 — Nerantzaki v Commission****(Case T-813/17)**

(2018/C 052/52)

*Language of the case: English***Parties**

*Applicant:* Eleni Nerantzaki (Brussels, Belgium) (represented by: N. Korogiannakis, lawyer)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- annul the decision of the EPSO selection board of 7 March 2017 not to admit the applicant to the next stage of open competition EPSO/AD/331/16;
- annul the decision of the appointing authority Ares(2017)s. 4916702 of 14 September 2017, rejecting the applicant's complaint against the decision not to admit the applicant to open competition EPSO/AD/331/16;
- order the defendant to pay the applicant's legal and other costs and expenses incurred in connection with the present application.

**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 a manifest error of assessment by the defendant in the assessment of the applicant's professional qualifications.
2. Second plea in law, alleging infringement of the notice of competition EPSO/AD/331/16.
3. Third plea in law, alleging inadequate and contradictory reasoning such as to constitute a breach both of Article 25 and of Article 90(2) of the Staff Regulations.

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**Action brought on 14 December 2017 — Lietuvos geležinkeliai v Commission**

(Case T-814/17)

(2018/C 052/53)

*Language of the case: English*

**Parties**

*Applicant:* Lietuvos geležinkeliai AB (Vilnius, Lithuania) (represented by: W. Deselaers, K. Apel, P. Kirst, lawyers)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- annul, in whole or in part, Articles 1, 2, 3 and 4 of Commission Decision C(2017) 6544 final of 2 October 2017 relating to proceedings under Article 102 TFEU in Case AT.39813 — Baltic Rail; and/or
- reduce the fines imposed on the applicant by Article 2 of Commission Decision C(2017) 6544 final dated 2 October 2017; and
- order the Commission to pay the costs of the proceedings.

**Pleas in law and main arguments**

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

1. First plea in law, alleging a violation of Article 102 TFEU, a manifest error of law by using the wrong legal test to evaluate the alleged abuse. According to the applicant, there could be an abuse only if access to the Track were essential or indispensable for competitors to compete on the downstream market (which is not the case).