

**Pleas in law and main arguments**

In support of the action, the applicant relies on the following arguments.

## 1. As to the non-conversion decision:

- Plea of illegality of the Conversion Policy: violation of article 10(c) of the Conditions of Employment for Staff of the European Central Bank ('CoE') and of article 2.0 of the Staff Regulations ('SR') and violation of the hierarchy of norms.
- Plea of illegality: article 10(c) CoE and article 2.0 SR are in breach of Directive 1999/70/EC of 28 June 1999 <sup>(1)</sup> concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP and Recital 6 of the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP.
- The non-conversion decision was taken on the basis of illegal appraisal and ASBR decisions.

## 2. As to the appraisal:

- Procedural irregularity and absence of dialogue.
- Violation of the duty to state reason, violation of the principle of good administration and of due care and lack of information.
- Manifest errors of appreciation.

## 3. As to the ASBR decision:

- Plea of illegality of the ASBR Guidelines, violation of the duty to state reasons and violation of the principle of legal certainty.
- Lack of due explanation regarding the background of the applicant's salary award, lack of transparency and violation of the duty to state reason.
- Manifest error of appreciation.

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<sup>(1)</sup> Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP (OJ 1999, L 175, p. 43).

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**Action brought on 30 January 2018 — Teollisuuden Voima/Commission****(Case T-52/18)**

(2018/C 112/50)

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

*Applicant:* Teollisuuden Voima Oyj (Eurajoki, Finland) (represented by: M. Powell, solicitor, Y. Utzschneider and K. Struckmann, lawyers)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- annul the Commission Decision C(2017) 3777 final of 29 May 2017 declaring the concentration involving the acquisition by EDF of New NP to be compatible with the internal market and the EEA Agreement (Case COMP/M.7764 — EDF/Areva reactor business) (OJ 2017 C 377, p. 5); and
- order the Commission to pay the applicant's costs in these proceedings.

### 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 decision is vitiated by manifest errors in its assessment of the product market definition for nuclear fuel assemblies
  - As a result of these errors, the contested decision would reach the allegedly erroneous conclusion that, within the market for pressurised water reactor type fuel assemblies, no separate market exists for European pressurised water reactor type fuel assemblies. Due to the alleged errors in market definition, the contested decision would fail to consider the effects of the acquisition by EDF of the Areva Group's nuclear reactors business (the 'Transaction') on the narrower product market in question.
  - Moreover, the substantive assessment of the broader pressurised water reactor fuel assemblies market would be vitiated by additional errors of assessment.
2. Second plea in law, alleging that the contested decision is vitiated by manifest errors in its assessment of the product market definition for nuclear services
  - As a result of these errors, the contested decision would reach the allegedly erroneous conclusion that, within the nuclear services market for existing nuclear steam supply systems, no separate product market exists for nuclear services for European pressurised water reactor type nuclear steam supply systems. Due to the alleged errors in market definition, the contested decision would fail to consider the effects of the Transaction on the narrower product market in question.
  - Moreover, the substantive assessment of the broader nuclear services market for existing nuclear steam supply systems would be vitiated by additional errors of assessment.
3. Third plea in law, alleging that the contested decision is vitiated by manifest errors in its assessment of the geographic market definition of the downstream market for the generation and wholesale of electricity

This erroneous geographic market definition allegedly leads to additional errors of assessment of the effects of the Transaction.

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### Action brought on 31 January 2018 — Germany v Commission

(Case T-53/18)

(2018/C 112/51)

*Language of the case: German*

### Parties

*Applicant:* Federal Republic of Germany (represented by: T. Henze and J. Möller, acting as Agents, and by M. Winkelmüller, F. van Schewick and M. Kottmann, lawyers)

*Defendant:* European Commission

### Form of order sought

The applicant claims that the Court should:

- annul Commission Decision (EU) 2017/1995 of 6 November 2017 to maintain in the *Official Journal of the European Union* the reference of harmonised standard EN 13341:2005 + A1:2011 on static thermoplastic tanks for above-ground storage of domestic heating oils, kerosene and diesel fuels in accordance with Regulation (EU) No 305/2011 of the European Parliament and of the Council (OJ 2017 L 288, p. 36);
- annul Commission Decision (EU) 2017/1996 of 6 November 2017 to maintain in the *Official Journal of the European Union* the reference of harmonised standard EN 12285-2:2005 on Workshop fabricated steel tanks in accordance with Regulation (EU) No 305/2011 of the European Parliament and of the Council (OJ 2017 L 288, p. 39); and
- order the Commission to pay the costs.