

Action brought on 19 February 2018 — International Skating Union v Commission**(Case T-93/18)**

(2018/C 142/72)

*Language of the case: English***Parties***Applicant:* International Skating Union (Lausanne, Switzerland) (represented by: J.-F. Bellis, lawyer)*Defendant:* European Commission**Form of order sought**

The applicant claims that the Court should:

- annul the Commission Decision of 8 December 2017 in Case AT.40208 — International Skating Union's Eligibility rules, and
- order the Commission to bear the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging that the reasoning on which the Contested Decision rests is vitiated by a fundamental contradiction.
2. Second plea in law, alleging that the Applicant's eligibility rules do not have as their object to restrict competition.
3. Third plea in law, alleging that the Applicant's eligibility rules do not have as their effect to restrict competition.
4. Fourth plea in law, alleging that the Applicant's decision not to approve the 2014 Dubai Icederby event falls outside the scope of Article 101 TFEU because this decision pursued a legitimate objective in line with the Applicant's Code of Ethics which prohibits all forms of support for betting.
5. Fifth plea in law, alleging that in any event, the Applicant's decision not to approve the 2014 Dubai Icederby event falls outside the territorial scope of Article 101 TFEU.
6. Sixth plea in law, alleging that the claim that the rules of the Court of Arbitration for Sport reinforce the alleged restrictions of competition is groundless.
7. Seventh plea in law, alleging that the Commission exceeded its powers by imposing on the Applicant remedies which bear no relation to a finding of infringement.
8. Eighth plea in law, alleging that the imposition of periodic penalty payments lacks any valid legal basis.

Action brought on 12 February 2018 — Gollnisch v Parliament**(Case T-95/18)**

(2018/C 142/73)

*Language of the case: French***Parties***Applicant:* Bruno Gollnisch (Villiers-le-Mahieu, France) (represented by: B. Bonnefoy-Claudet, lawyer)*Defendant:* European Parliament

Forms of order sought

The applicant claims that the General Court should:

- annul European Parliament Bureau Decision dated 23 October 2017, with the reference PE 610.437/BUR/Decision, as notified by the letter of the President of the European Parliament of 1 December with reference D 318700 and rejecting Mr Gollnisch's complaint in appeal to the Quaestors against the decision of the Secretary-General;
- annul simultaneously the decision of the Secretary-General of the European Parliament of 1 July 2016, notified on 6 July, that 'an amount of EUR 275 984,23 was wrongly paid to Mr Bruno Gollnisch' and ordering the authorising officer responsible and the accounting officer of the institution to recover that amount;
- annul simultaneously the notification and the implementing measures of the aforementioned decision contained in the letter of the Director-General of Finance of 6 July 2016, ref. D 201920;
- annul simultaneously debit note No 2016-914 signed by that Director-General of Finance on 5 July 2016;
- award the applicant the sum of EUR 50 000 in compensation for the non-material damage resulting both from the unfounded accusations made before any conclusion of the investigation, from the harm to his reputation, from the very significant disruption to his personal and political life caused by the contested decision and the considerable amount of work he was forced to devote to those proceedings;
- also award him also the sum of EUR 28 000 by way of costs respect of expenses incurred for fees for the provision of legal advice, the preparation of the present action, photocopying costs and lodging this action and the annexed documents;
- order the European Parliament to pay the full costs.

Pleas in law and main arguments

In support of the action, the applicant relies on two pleas directed specifically against the Bureau's decision.

1. First plea in law, alleging several infringements of essential procedural requirements by the defendant at the time of the adoption of the contested decision. According to the applicant, the procedure leading to the adoption of the contested decision infringes the right of the applicant to have his case heard by an impartial body. The defendant also allegedly infringed his rights of defence. The contested decision is thus based on an incorrect statement by the representative of the Quaestors and its statement of reasons is insufficient in so far as it fails to answer several of the complaints raised by the applicant.
2. Second plea in law, alleging distortion of the facts leading to the adoption of the contested decision.

The applicant also raises the pleas which it has made against the Secretary-General's decision complained of before the Bureau of the Parliament, in that the latter maintained the contested decision without taking proper account of the arguments put forward by the applicant.

1. First plea, alleging defects in the procedure which led to the adoption of the Secretary-General's decision, relating to the Secretary-General's lack of competence, to an infringement of the rights of the defence, to a reversal of the burden of proof, to an inadequate statement of reasons, as well as failure to observe the principles of legal certainty and legitimate expectations.

2. Second plea, alleging an infringement of the civil rights of parliamentary assistants, of the discriminatory treatment of the applicant, of misuse of powers, of infringement of the independence of Members and failure to understand the role of local parliamentary assistants, as well as a failure to observe the principle of proportionality.

Action brought on 22 February 2018 — Fundación Tecnia Research & Innovation v REA

(Case T-104/18)

(2018/C 142/74)

Language of the case: Spanish

Parties

Applicant: Fundación Tecnia Research & Innovation (Donostia-San Sebastián, Spain) (representatives: P. Palacios Pesquera and M. Rius Coma, lawyers)

Defendant: Research Executive Agency (REA)

Form of order sought

The applicant claims that the General Court should:

- Declare the application, and the pleas in law contained therein, admissible;
- Uphold the pleas in law put forward in that application and, accordingly, annul the contested decision stating that the repayment of the amounts corresponding to the tasks performed by TECNALIA is not required;
- Order the REA to pay the costs of the proceedings.

Pleas in law and main arguments

The present application has been brought against the outcome of the inter partes financial recovery procedure in respect of the project FP7-SME-2013-605879-FOODWATCH grant agreement. The decision to terminate the FoodWatch grant agreement has its origin in the alleged failure to inform the defendant of the existence of the BreadGuard Project which, in the REA's view, bore strong similarities to the FoodWatch project in terms of objectives, working methods and expected results.

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

1. The first plea in law, alleging a failure to give reasons for the contested decision because of the failure to take into account the exculpatory evidence highlighted by TECNALIA during the inter partes investigation procedure.
2. The second plea in law, alleging infringement of the content of Annex II to the FoodWatch grant agreement, on account of the defendant's failure to disclose the identity of the independent experts who endorsed the expert reports on which the contested decision was founded, thereby preventing TECNALIA from challenging those reports.
3. The third plea in law, alleging breach of the principle of fault, on account of the defendant's failure to take into account the degree of TECNALIA's involvement in the commission of the facts alleged.