

**Action brought on 27 June 2018 — Riesco García v Parliament****(Case T-391/18)**

(2018/C 352/42)

*Language of the case: Spanish***Parties***Applicant:* Juan Carlos Riesco García (Rota, Spain) (represented by: M. Tey Ariza, lawyer)*Defendant:* European Parliament**Form of order sought**

The applicant claims that the General Court should:

- grant the action brought by way of this application, and in accordance with the powers of the General Court of the European Union, for a declaration of failure to act in respect of the response received from the Committee on Petitions of the European Parliament of 31 May 2017 to his Petition No 0741/2015 on the alleged discrimination between career civil servants and temporary civil servants as regards the difference in treatment in respect of the retirement conditions of generalist administrators of the Spanish State;
- on the basis of the legislation at issue (Council Directive 1999/70 of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP), declare the action admissible, rule on the issue raised and, on the basis thereof, order the Spanish State to declare and immediately give effect to the right of all generalist administrators of the Spanish State to have the same or similar conditions of access to early retirement.

**Pleas in law and main arguments**

The applicant submits that, in accordance with the Spanish legislation which is the subject of the petition, some permanent (career) employees affiliated to the social security scheme, approaching voluntary retirement, are permitted to change their social security scheme, because they are permanent employees; whereas temporary employees are not permitted to do the same because they are not permanent employees.

For the applicant, the unfounded response received from the Committee on Petitions of the European Parliament to the Petition (0741/2015) is disappointing and incomprehensible. That intuition which, having declared the petition admissible, and having stated on 3 August 2016 that it was necessary to bring Spanish legislation in line with Directive 1999/70 in respect of what was sought (equal conditions of retirement), including contemplating the possibility of initiating infringement proceedings, subsequently retracted that, arguing that there were unresolved 'factual issues'.

Even more incomprehensible is that, if there are doubts on the issue, a reference is not made to the institution with competence to decide whether it is necessary in this case to bring national legislation in line with Directive 1999/70, namely the Court of Justice of the European Union, instead proposing to resolve that issue before the national courts, which are less, or even not at all competent to decide whether the national legislation needs to be brought in line with the European legislation.

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**Action brought on 29 June 2018 — ITSA v Commission****(Case T-396/18)**

(2018/C 352/43)

*Language of the case: French***Parties***Applicant:* International Tax Stamp Association Ltd (ITSA) (Sunbury-on-Thames, United Kingdom) (represented by: F. Scanvic, lawyer)*Defendant:* European Commission