

— order the Commission to pay the costs.

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 infringement of Article 107 of the Treaty on the Functioning of the European Union (TFEU), in that the Commission has not demonstrated that the measures in question are selective.
2. Second plea in law, alleging infringement of Article 107 TFEU, in that the Commission has not demonstrated the existence of any advantage in favour of Engie.
3. Third plea in law, alleging infringement of Articles 4 and 5 of the Treaty on European Union (TEU), in so far as the Commission is in fact implementing disguised tax harmonisation.
4. Fourth plea in law, alleging infringement of Council Regulation (EU) 2015/1589 of 13 July 2015 laying down detailed rules for the application of Article 108 TFEU (OJ 2015 L 248, p. 9) and of the rights of the defence.
5. Fifth plea in law, raised in the alternative and alleging infringement of Article 16 of the abovementioned Regulation 2015/1589, in so far as the Commission has ordered recovery of the aid in breach of fundamental principles of EU law.

Action brought on 31 August 2018 — YG v Commission

(Case T-518/18)

(2018/C 399/56)

Language of the case: English

Parties

Applicant: YG (represented by: S. Rodrigues and A. Champetier, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul, first, the defendant's decision dated 13 November 2017 not to include the applicant in the list of promoted officials;
- annul, subsequently, the defendant's decision dated 17 May 2018 rejecting his complaint against the decision dated 13 November 2017;
- order the defendant to reimburse the applicant's incurred legal costs.

Pleas in law and main arguments

In support of the action, the applicant relies on two pleas in law:

1. First plea in law, alleging that the defendant violated Article 45 of the Staff Regulations of Officials of the European Union. The contested decision was based on certain manifest errors of assessment; furthermore, it failed to provide sufficient reasons and did not prove that an examination of the applicant's merits was carried out in accordance with the principle of equal treatment.
 2. Second plea in law, alleging that the defendant violated the principle of good administration as protected by Article 41 of the Charter of Fundamental Rights of the European Union, by virtue of its lack of diligence in the drafting and substantiation of the contested decision.
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