

- order the European Commission to repay the applicant the sums claimed which have been paid by the latter;
- in the alternative, find, in the amount that it deems appropriate, the sums claimed by the Commission to be eligible and/or appropriate funding;
- in any event, order the European Commission to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging an incorrect classification of the costs by the European Commission.

- The applicant claims that, by not respecting the terms of the contracts, the European Commission incorrectly classified the costs as direct or indirect and/or not chargeable, based on its auditors' report, requiring the applicant to repay the funding received for the implementation of the DIEGO and SEED projects.

2. Second plea in law, alleging that the European Commission incorrectly quantified the costs.

- The applicant contests that quantification as being incorrect in that it does not respect the terms in that regard in the contracts.

3. Third plea in law, alleging that the European Commission failed to comply with its contractual obligations.

- According to the applicant, the Commission has failed to comply with the terms of the contracts by making an incorrect classification and quantification of the costs charged and continues to fail to comply, in spite of the arguments and evidence presented in the adversarial procedure, thereby demonstrating bad faith.

Action brought on 11 September 2018 — YL v Commission

(Case T-545/18)

(2018/C 427/110)

Language of the case: French

Parties

Applicant: YL (represented by: P. Yon, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul his removal from the 2017 promotions list;
- order his retroactive promotion as from 1 January 2017;
- award him compensation for the damage — estimated in the amount of EUR 100 000 — suffered as a result of the contested measures: the number of days and amount of energy expended in respect of the present action and preparation thereof, overcoming the feeling of being rejected, ostracised and persecuted by an authority supposedly required to have regard to the welfare of its members of staff and have, if not a benevolent attitude towards them, then at least a neutral one;
- order the reimbursement of his lawyer's and legal fees in the amount of EUR 10 000, and
- order the Commission to bear all 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 infringement of the Staff Regulations of Officials of the European Union ('the Staff Regulations') by the appointing authority when it based its refusal to promote the applicant on a previously imposed penalty, when that penalty had already affected the applicant's career by a relegation in step. Moreover, the contested decision was allegedly adopted on the ground that the penalty was related to the applicant's conduct while on active duty, whereas the decision to impose a penalty of 2016 indicated that the acts in question were totally unconnected to the applicant's duties and responsibilities.
2. Second plea in law, alleging abuse of powers and process by the appointing authority when it used its power of promotion to increase the penalty imposed in 2016 and used the promotion procedure to circumvent the limits provided for in the Staff Regulations in the event of deferment of advancement.

Action brought on 14 September 2018 — Teeäär v ECB**(Case T-547/18)**

(2018/C 427/111)

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

Applicant: Raivo Teeäär (Tallinn, Estonia) (represented by: L. Levi, lawyer)

Defendant: European Central Bank (ECB)

Form of order sought

The applicant claims that the Court should:

- annul the decision of the ECB Executive Board of 27 February 2018 by which the applicant's application for support for transition to a career outside the ECB was rejected;
- if need be, annul the decision of the Executive Board dated 3 July 2018 rejecting the special appeal directed by the applicant against the decision of the Executive Board of 27 February 2018;
- grant the applicant compensation for the material prejudice he allegedly suffered consisting in the career transition support financial package, estimated at EUR 101 447, increased by late interest calculated at the main refinancing rate of the European Central Bank plus 3 percentage points per annum;
- order the defendant to pay all the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging the illegality of Article 2.3.1 of the ECB Staff Rules, in that this rule is said to infringe the principle of equal treatment and the principle of proportionality; the contested decision is, moreover, flawed by a manifest error of appreciation.