

4. Fourth plea in law, alleging that Council Decision 2019/25 is void insofar as it concerns the applicant as the decision would have not complied with the requirements of proportionality and subsidiarity.

In particular, the diaspora of Kurds is disproportionately hurt by the listing.

5. Fifth plea in law, alleging that Council Decision 2019/25 is void insofar as it concerns the applicant as it does not comply with the obligation to state reasons in conformity with Article 296 TFEU.

The General Court in its judgment of 15 November 2018, *PKK v Council* (T-316/14, EU:T:2018:788), came to a similar conclusion based on the exact same statement of reasons.

6. Sixth plea in law, alleging that Council Decision 2019/25 is void insofar as it concerns the applicant because it would have infringed the applicant's right of defence and its right to effective judicial protection.

In particular, the defendant would have ignored the judgment of 15 November 2018, *PKK v Council* (T-316/14, EU:T:2018:788), and the proceedings leading up to it.

(¹) Council Decision (CFSP) 2019/25 of 8 January 2019 amending and updating the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP on the application of specific measures to combat terrorism, and repealing Decision (CFSP) 2018/1084 (OJ L 6, 9.1.2019, p. 6).

(²) Council Common Position 2001/931/CFSP of 27 December 2001 on the application of specific measures to combat terrorism (OJ L 344, 28.12.2001, p. 93).

Action brought on 14 March 2019 — Mersinis v ESMA

(Case T-163/19)

(2019/C 164/59)

Language of the case: English

Parties

Applicant: Michail Mersinis (Athens, Greece) (represented by: P. Pafitis, lawyer)

Defendant: European Securities and Markets Authority (ESMA)

Form of order sought

The applicant claims that the Court should:

— annul the defendant's decision of 23 May 2018 not to select the applicant for the post of senior legal officer in respect of the vacancy ESMA/2017/VAC19/AD7.

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 unlawful composition of the selection committee.
2. Second plea in law, alleging the exercise of bias in favour of the candidate selected for the post in question.

Action brought on 14 March 2019 — AQ v eu-LISA

(Case T-164/19)

(2019/C 164/60)

Language of the case: English

Parties

Applicant: AQ (represented by: L. Levi and N. Flandin, lawyers)

Defendant: European Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA)

Form of order sought

The applicant claims that the Court should:

- annul the decision of eu-LISA of 8 May 2018 which terminates the applicant's employment contract at eu-LISA without notice together with, in so far as necessary, the decision of eu-LISA of 4 December 2018 rejecting the applicant's complaint;
- order the defendant to pay compensation for the harm suffered by the applicant;
- order the defendant to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging a procedural irregularity and the violation of the rights of the defence and in particular the right to be heard.
2. Second plea in law, alleging the breach of Articles 16 and 48 of the Conditions of Employment of Other Servants of the European Union.
3. Third plea in law, alleging infringement of the duty to state reasons.