

5. Fifth plea in law, alleging a breach of the obligation to state reasons

Within the context of the fifth plea in law, it is claimed that the decision is not duly justified in accordance with the requirements of Article 296(2) TFEU and Article 41(2)(c) of the Charter of Fundamental Rights. In the contested decision, the defendant merely vaguely referred to discrepancies in the testing methodology, but failed to take a position on the decisive question whether and to what extent the testing methodology required a specific preconditioning and whether the defendant approved such a testing methodology in Implementing Decision (EU) 2015/158.

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- (<sup>1</sup>) Regulation (EC) No 443/2009 of the European Parliament and of the Council of 23 April 2009 setting emission performance standards for new passenger cars as part of the Community's integrated approach to reduce CO<sub>2</sub> emissions from light-duty vehicles (OJ 2009 L 140, p. 1).
- (<sup>2</sup>) Commission Implementing Regulation (EU) No 725/2011 of 25 July 2011 establishing a procedure for the approval and certification of innovative technologies for reducing CO<sub>2</sub> emissions from passenger cars pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council (OJ 2011 L 194, p. 19).
- (<sup>3</sup>) Commission Implementing Decision (EU) 2015/158 of 30 January 2015 on the approval of two Robert Bosch GmbH high efficient alternators as the innovative technologies for reducing CO<sub>2</sub> emissions from passenger cars pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council (OJ 2015 L 26, p. 31).

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**Action brought on 14 June 2019 — Jalkh v Parlement**

**(Case T-360/19)**

(2019/C 263/66)

*Language of the case: French*

**Parties**

*Applicant:* Jean-François Jalkh (Gretz-Armainvilliers, France) (represented by: F. Wagner, lawyer)

*Defendant:* European Parliament

**Form of order sought**

The applicant claims that the Court should:

- annul the European Parliament's legislative resolution of 16 April 2019 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU, Euratom) No 883/2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) as regards cooperation with the European Public Prosecutor's Office and the effectiveness of OLAF investigations (COM(2018)0338 C8-0214/2018 2018J0170(COD));
- order the European Parliament 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 infringement of Articles 7 and 8 of the Charter of Fundamental Rights of the European Union, in so far as the contested resolution grants the European Anti-Fraud Office (OLAF) access to personal information, which is contrary to the right to the protection of private life and the right to the protection of personal data.
2. Second plea in law, alleging infringement of Articles 8 and 9 of the Protocol (No 7) on the privileges and immunities of the European Union, in so far as the contested resolution allows OLAF to circumvent the parliamentary immunity of Members of Parliament.

3. Third plea in law, alleging infringement of Article 5 of the European Parliament's Rules of Procedure and Article 4 of the Statute for Members of the European Parliament. The applicant claims that the contested resolution allows OLAF to circumvent the parliamentary immunity of Members of Parliament and to access documents that are not documents of the European Parliament.
4. Fourth plea in law, alleging infringement of Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms, in so far as the contested resolution violates the rights of defence of Members of Parliament.

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### Action brought on 16 June 2019 — CF v Parliament

(Case T-361/19)

(2019/C 263/67)

*Language of the case: French*

#### Parties

*Applicant:* CF (represented by: A. Daoût, lawyer)

*Defendant:* European Parliament

#### Form of order sought

The applicant claims that the Court should:

- Annul the contested decisions;
- Order compensation of the pecuniary and non-pecuniary harm caused by the contested decisions or award the applicant a provisional amount of EUR 50 000;
- Order the European Parliament to pay all the costs.

#### Pleas in law and main arguments

In support of the action seeking annulment of the two decisions of the President of the Parliament of 16 April 2019 finding that the applicant was guilty of psychological harassment against her former accredited parliamentary assistant and issuing a reprimand against her, the applicant relies on four pleas in law.

1. First plea in law, alleging misinterpretation of the legal definition of harassment in Article 12a of the Staff Regulations of the Officials of the European Union, on the ground that the President of the European Parliament failed to take account of the constituent elements of the concept of psychological harassment laid down by statutory law and case-law.
2. Second plea in law, alleging a failure to state reasons in the contested act. The applicant maintains that the President of the Parliament gave reasons for his first decision based on the incomplete report of the Advisory Committee and that his second decision does not meet the criteria laid down in Article 166 of the Rules of Procedure of the European Parliament.