

# GENERAL COURT

## Judgment of the General Court of 1 February 2023 — BG v Parliament

(Case T-164/20) <sup>(1)</sup>

*(Civil service — Accredited parliamentary assistants — Psychological harassment — Article 12a of the Staff Regulations — Request for assistance — Refusal of the request — Article 24 of the Staff Regulations — Advisory Committee dealing with harassment complaints between Accredited Parliamentary Assistants and Members of the Parliament and its prevention at the workplace — Right to be heard — Refusal to disclose the report of the Advisory Committee — Liability — Non-material harm)*

(2023/C 104/36)

Language of the case: English

### Parties

*Applicant:* BG (represented by: A. Tymen, L. Levi and A. Champetier, lawyers)

*Defendant:* European Parliament (represented by: M. Windisch, C. González Argüelles and I. Lázaro Betancor, acting as Agents)

### Re:

By her action under Article 270 TFEU, the applicant seeks, first, annulment of the decision of the European Parliament of 20 May 2019 by which the authority empowered to conclude contracts of employment refused her request for assistance and, second, compensation for the non-material harm she claims to have suffered.

### Operative part of the judgment

The Court:

1. Annuls the decision of the European Parliament of 20 May 2019 refusing the request for assistance lodged by BG;
2. Orders the Parliament to pay BG, in respect of non-material harm suffered, an amount of EUR 2 500;
3. Orders the Parliament to pay the costs.

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<sup>(1)</sup> OJ C 201, 15.6.2020.

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## Judgment of the General Court of 1 February 2023 — SJ v Commission

(Case T-659/20) <sup>(1)</sup>

*(Directive 2014/25/EU — Procurement procedures of entities operating in the water, energy, transport and postal services sectors — Implementing decision on the applicability of Article 34 of Directive 2014/25 to railway passenger transport in Sweden — Rights of the defence — Right to be heard)*

(2023/C 104/37)

Language of the case: English

### Parties

*Applicant:* SJ AB (Stockholm, Sweden) (represented by: J. Karlsson and M. Johansson, lawyers)

*Defendant:* European Commission (represented by: S. Baches Opi, P. Ondrůšek and G. Wils, acting as Agents)

*Intervener in support of the applicant:* Kingdom of Sweden (represented by: M. Salborn Hodgson, H. Eklinder, C. Meyer-Seitz, A. Runeskjöld, H. Shev, R. Shahsavan Eriksson and O. Simonsson, acting as Agents)

**Re:**

By its action based on Article 263 TFEU, the applicant seeks the annulment of Article 2 of Commission Implementing Decision (EU) 2020/1193 of 2 July 2020 on the applicability of Article 34 of Directive 2014/25/EU of the European Parliament and of the Council to railway passenger transport in Sweden (OJ 2020 L 262, p. 18), by which the European Commission decided that Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ 2014 L 94, p. 243) continued to apply to contracts awarded by contracting entities and intended to enable activities related to the provision of commercially operated railway passenger services to be carried out in the territory of Sweden.

**Operative part of the judgment**

The Court:

1. Annuls Article 2 of Commission Implementing Decision (EU) 2020/1193 of 2 July 2020 on the applicability of Article 34 of Directive 2014/25/EU of the European Parliament and of the Council to railway passenger transport in Sweden;
2. Orders the European Commission to pay the costs;
3. Orders the Kingdom of Sweden to bear its own costs.

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(<sup>1</sup>) OJ C 28, 25.1.2021.

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**Judgment of the General Court of 1 February 2023 — ClientEarth v Commission**

(Case T-354/21) (<sup>1</sup>)

*(Access to documents — Regulation (EC) No 1049/2001 — Control system for ensuring compliance with the rules of the common fisheries policy — Regulation (EC) No 1224/2009 — Documents concerning the implementation of fisheries control in Denmark and France — Partial refusal of access — Exception relating to the protection of the purpose of inspections, investigations and audits — General presumption of confidentiality — Overriding public interest — Aarhus Convention — Regulation (EC) No 1367/2006)*

(2023/C 104/38)

*Language of the case: English*

**Parties**

*Applicant:* ClientEarth AISBL (Brussels, Belgium) (represented by: O. Brouwer, T. Oeyen and T. van Helfteren, lawyers)

*Defendant:* European Commission (represented by: C. Ehrbar, G. Gattinara and A. Spina, acting as Agents)

**Re:**

By its action based on Article 263 TFEU, the applicant seeks the annulment of Commission Decision C(2021) 4348 final of 7 April 2021 refusing access to certain documents requested pursuant to Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ 2001 L 145, p. 43), and pursuant to Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies (OJ 2006 L 264, p. 13).