

Action brought on 27 May 2020 KI v eu-LISA**(Case T-338/20)**

(2020/C 279/55)

*Language of the case: English***Parties***Applicant:* KI (represented by: L. Levi and M. Vandenbussche, lawyers)*Defendant:* European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice**Form of order sought**

The applicant claims that the Court should:

- annul the decision of 15 July 2019 to reassign the applicant to another position;
- as far as necessary, annul the decision of 17 February 2020 rejecting the applicant's complaint;
- order the compensation of his moral prejudice estimated at 10 000 EUR; and,
- 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 an illegality of the decision of the Executive Director of 25 June 2019, confirmed and complemented by the decision of the Executive Director of 29 August 2019, insofar as it violates the requirements of a fair and transparent comparison of merits, the principle of non-discrimination, Article 41 of the Charter and the interest of the service.
2. Second plea in law, alleging that the reassignment decision manifestly violates the interests of the service and the principle of assignment to an equivalent post.
3. Third plea in law, alleging a violation of the right to be heard, of the duty to state reasons and of Article 41 of the Charter.
4. Fourth plea in law, alleging a violation of the duty of care and of Article 31, paragraph 2 of the Charter, Article 1st sexies of the Staff Regulations and Directive 2003/88/CE concerning certain aspects of the organisation of working time, as well as breach of the principle of non-discrimination.

Action brought on 11 June 2020 — Net Technologies Finland v REA**(Case T-358/20)**

(2020/C 279/56)

*Language of the case: English***Parties***Applicant:* Net Technologies Finland Oy (Helsinki, Finland) (represented by: S. Pappas and N. Kyriazopoulou, lawyers)*Defendant:* Research Executive Agency

Form of order sought

The applicant claims that the Court should:

- declare that i) the Research Executive Agency has breached its contractual obligations under the Grant Agreement FP7-SEC-2012-312484, concluded in the context of Seventh Framework Programme for research, technological development and demonstration activities, ii) the claim formulated in the debit notes no 3242005872 concerning the reimbursement of the amount of EUR 171 342.97 for unjustified contribution and no 3242005825 concerning the reimbursement of the amount of EUR 17 134.30 for liquidated damages, is unfounded, and iii) the corresponding costs for the in-house consultants are eligible; and,
- order the defendant to bear its costs as well as the applicant's costs for the current proceedings.

Pleas in law and main arguments

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

1. First plea in law, alleging that the REA has misinterpreted the provisions regarding eligibility of costs and failed to fulfill its contractual obligations, by issuing the contested debit notes, on the grounds that the costs for in-house consultants met the eligibility criteria, set out in the Grant Agreement and thus they do not give rise to any reimbursement claim.
2. Second plea in law, alleging that the REA failed to perform the contract in good faith.
3. Third plea in law, alleging that the REA has violated the principle of proportionality.

Action brought on 18 June 2020 — KN v EESC

(Case T-377/20)

(2020/C 279/57)

Language of the case: French

Parties

Applicant: KN (represented by: M. Casado García-Hirschfeld and M. Aboudi, lawyers)

Defendant: European Economic and Social Committee

Form of order sought

The applicant claims that the Court should:

- declare the present application admissible;
- annul the contested decision of 9 June 2020, notified on 17 June 2020;
- order the payment of compensation for non-material damage, amounting to the sum of EUR 200 000, and compensation for material damage, estimated in the amount of EUR 50 000;
- 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 infringement of procedural rights and of the fundamental rights to good administration and to be heard as well as infringement of the principle of proportionality.
2. Second plea in law, alleging infringement of the principle of presumption of innocence and of the principle of impartiality.
3. Third plea in law, alleging infringement of the principle of legal certainty, in accordance with the maxim 'nulla poena sine lege', and of the principle of non-retroactivity.