

Pleas in law and main arguments

In support of the action, the applicant relies on the following pleas:

1. First plea in law, alleging infringement of essential procedural requirements and of the right to sound administration, since the contested decision and Annexes I and II thereto did not contain an adequate statement of reasons pursuant to Article 296(2) TFEU and Article 41(2)(c) of the Charter of Fundamental Rights of the European Union ('the Charter').
2. Second plea in law, alleging infringement of essential procedural requirements and of the right to sound administration under Article 41(2)(a) of the Charter, since the applicant was not heard before the adoption of the contested decision, which contains an individual measure adversely affecting the applicant.
3. Third plea in law, alleging infringement of the right to an effective remedy under Article 47(1) of the Charter, since it is in practice impossible to carry out an effective judicial review of the accuracy of the decision's content.

Action brought on 6 July 2020 — KY v Court of Justice of the European Union**(Case T-433/20)**

(2020/C 279/77)

*Language of the case: French***Parties**

Applicant: KY (represented by: J.-N. Louis, lawyer)

Defendant: Court of Justice of the European Union

Form of order sought

The applicant claims that the Court should:

- annul the implied decision of 17 September 2019, confirmed by the express decision of 10 October 2019, rejecting the request for repayment of the part of the pension rights acquired by the applicant before her entry into service which was not credited on transfer to the EU pension scheme;
- order the defendant to pay the 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 breach of the duty of care. In that regard, the applicant submits that, in accordance with an EU institution's duty of care, it is required to inform the official not only of the minimum subsistence figure rule and its effect on the calculation of the pension, but also of the possibility of postponing the transfer of his or her pension rights until the grant of his or her actual pension rights.
 2. Second plea in law, alleging unjust enrichment. The applicant submits that the refusal to repay the part of the national pension rights transferred to the EU scheme, which was not taken into account when calculating the pension rights, may lead to an unjustified appropriation and, therefore, an unjust enrichment for the European Union, and an unjust impoverishment of the official concerned.
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