

Action brought on 15 December 2020 — Planistat Europe and Charlot v Commission**(Case T-735/20)**

(2021/C 53/65)

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

Applicants: Planistat Europe (Paris, France), Hervé-Patrick Charlot (Paris) (represented by: F. Martin Laprade, lawyer)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

- declare that the European Commission is non-contractually liable under the provisions of Article 340 TFEU:
 - for committing a sufficiently serious infringement of the principle of duty of care and of good administration;
 - for committing a sufficiently serious infringement of the rights of defence;
 - for committing a sufficiently serious infringement of the obligation of confidentiality;
 - thereby causing material and/or non-material damage to the company Planistat and to its director Mr Charlot;

and consequently,

- order the European Commission to pay the sum of EUR 150 000 in respect of the non-material damage suffered by Hervé-Patrick Charlot;
- order the European Commission to pay the sum of EUR 11 600 000 in respect of the material damage suffered by the applicants;
- order the European Commission to reimburse the total costs of the proceedings incurred by the company Planistat and Hervé-Patrick Charlot.

Pleas in law and main arguments

In support of the action, the applicants rely on four pleas of law.

1. First plea, alleging infringement of the duty of care and of the right to good administration based on false accusations made by the Anti-fraud office (OLAF) and the European Commission against the applicants, whose innocence has been definitively confirmed on 16 June 2016 by the French Court of Cassation. In that regard, the applicants claim that:
 - the European Union administration did not take into account the legitimate interests of the applicants who were unjustly and falsely accused of criminal offences, and thus failed to fulfil its duty of care towards them;
 - the right to good administration clearly covers the right of everyone not to be made the object of false accusations by agents and institutions of the Union.

2. Second plea, alleging infringement of the right to good administration and infringement of the rights of defence and of the principle of the presumption of innocence based on the culpably thoughtless conduct displayed by OLAF in its false accusations of the applicants before the French authorities, carried out by letter of 19 March 2003. The applicants take the view in that regard that:
 - OLAF displayed haste incompatible with the obligation to respect a reasonable period in providing the information to the French authorities on the day following the opening of the external investigation of the applicants;
 - OLAF should have given the applicants the same treatment as that given to European officials and waited until it had additional information available to it in order to take a better-informed decision;
 - OLAF should have taken the precaution of notifying the applicants in advance, in order to receive their explanations in the context of an adversarial exchange;
 - OLAF should not have used very strong phrases expressing the sentiment that the applicants were guilty of ‘looting’ to the detriment of community funds.
3. Third plea, alleging infringement of the obligation of confidentiality with regard to personal data, infringement of the right to good administration and of the principle of the presumption of innocence based on ‘leaks’ which came from OLAF with regard to the substance of its false accusations of 19 March 2003. In that regard, the applicants take the view that:
 - OLAF did not respect the obligation of confidentiality to which it was bound in the context of its investigations;
 - OLAF infringed the principle of good administration in so far as it includes the right to have one’s affairs treated with respect for confidentiality;
 - OLAF infringed the principle of the presumption of innocence by allowing the information that was the object of its false accusation against the applicants to be leaked.
4. Fourth plea, alleging infringement of the right to good administration, as well as of the principle of the presumption of innocence on the basis of the submission of a complaint together with an application to be joined as a civil party, and of the European Commission’s public communication in July 2003. The applicants claim that:
 - the Commission displayed haste incompatible with the obligation to respect a reasonable time period;
 - the Commission should have waited for the conclusions of OLAF’s investigation in order to take a better informed decision concerning a possible submission of a complaint together with an application to be joined as a civil party;
 - the Commission did not display impartiality with regard to the applicants since it favoured its own financial interests, although those interests were not seriously threatened;
 - the Commission infringed the principle of the presumption of innocence by publishing its press release of 9 July 2003.

Action brought on 16 December 2020 — Ryanair v Commission

(Case T-737/20)

(2021/C 53/66)

Language of the case: English

Parties

Applicant: Ryanair DAC (Swords, Ireland) (represented by: E. Vahida, F. Laprévotte, V. Blanc, S. Rating and I. Metaxas-Maranghidis, lawyers)

Defendant: European Commission