Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul the contested decision;

— order the Commission to pay all the costs of the proceedings.

Pleas in law and main arguments

In support of the action against Commission Decision C(2020) 8969 final of 17 December 2020, which dismisses its request seeking, first, a declaration that Veolia Environnement S.A. infringed Article 7(1) of Regulation (EC) No 139/2004 ([1]) by acquiring a 29,9 % stake in the capital of Suez without obtaining the Commission's prior consent and, second, the adoption of interim measures against that company, pursuant to Article 8(5)(a) of that regulation, the applicant relies on two pleas in law.

1. First plea in law, alleging failure to state reasons under Article 296 TFEU. The applicant claims that the Commission failed to comply with the requirements laid down in Article 296 TFEU by adopting a decision the reasoning of which does not allow the applicant or the Court to understand the reasons which led the Commission to consider that the automatic derogation laid down in Article 7(2) of the EC Merger Regulation was applicable. The applicant also complains that the contested decision is vitiated by a contradiction in its reasoning with regard to the applicability of Article 7(1) of the EC Merger Regulation to the acquisition of a 29,9 % stake in its capital. Finally, the applicant considers that the contested decision deviated, without adequate reasoning, from the settled case-law of the EU Courts relating to the principle that the exception with suspensive effect laid down in Article 7(2) of the EC Merger Regulation must be interpreted strictly.

2. Second plea in law, alleging infringement of Article 7(2) of the EC Merger Regulation. The applicant claims in that regard that the Commission infringed that provision by finding that, first, the exception laid down in that article must be applied to the single concentration envisaged by Veolia as a whole although that exception was clearly devoid of purpose and therefore inapplicable to that concentration and, second, all the legal transactions which constitute a single concentration must be covered by the same legal regime in the light of that article. The applicant also considers that the application, by the Commission, of the exception laid down by that provision to the private acquisition of securities acquired from a single seller constitutes an additional infringement of that article. Finally, the applicant criticises the Commission for having considered that Veolia had met the condition related to notification without delay of the concentration.

([1]) Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) (OJ 2004 L 24, p. 1).

Action brought on 25 February 2021 — QI v Commission

(Case T-122/21)

(2021/C 138/67)

Language of the case: French

Parties

Applicant: QI (represented by: N. de Montigny, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

— annul the 2018 and 2019 final career evaluation reports of the applicant;

— annul, in so far as necessary, the decision rejecting the complaint of 16 November 2020;

— order the defendant to pay the costs.

Pleas in law and main arguments

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

1. First plea in law, alleging failure to comply with the applicable general implementing provisions. As regards the 2018 evaluation report, the applicant alleges an unlawful review of the satisfactory nature of the services at the appeal stage. As regards the 2019 evaluation report, the applicant complains that the appeal assessor intervened at an early stage. Finally, as regards the two reports, the applicant alleges the erroneous interpretation and application of Article 2(3)(a) of the general implementing provisions and of Article 4 of those provisions to her situation.

2. Second plea in law, alleging infringement of the duty to be impartial and neutral, infringement of the duty to provide assistance and of good administration, infringement of Article 21a of the Staff Regulations of Officials of the European Union, as well as misuse or abuse of process.

3. Third plea in law, alleging manifest error of assessment, material inaccuracies as regards the facts, abusive claims not related to objective facts and infringement of the concept of duty to act in good faith.

Action brought on 25 February 2021 — Mariani and Others v Parliament

(Case T-124/21)

(2021/C 138/68)

Language of the case: French

Parties

Applicants: Thierry Mariani (Paris, France) and 22 other applicants (represented by: F. Wagner, lawyer)

Defendant: European Parliament

Form of order sought

The applicants claim that the Court should:

— annul Article 1 of Regulation (EU, Euratom) 2020/2223 of the European Parliament and of the Council of 23 December 2020, amending Regulation (EU, Euratom) No 883/2013 as regards cooperation with the European Public Prosecutor's Office and the effectiveness of the European Anti-Fraud Office investigations (OJ 2020 L 437, p. 49), in particular Article 3(11), Article 4(2)(a) and (b), Article 5(a)(1), Article 7(b)(3a) [and] Article 9a(1) to (4) thereof, as added and amended by Regulation 2020/2223;

— order the Parliament to pay all the costs.

Pleas in law and main arguments

In support of the action, the applicants rely on a single plea in law, alleging infringement of the Charter of Fundamental Rights of the European Union ('the Charter'), of the European Convention on Human Rights, of the general principles recognised by case-law, of the Protocol on the Privileges and Immunities of Members of the European Parliament, of the Rules of Procedure of the European Parliament, and of the Statute for Members of the European Parliament.