

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO and the other party, should it intervene in these proceedings, to bear the costs.

Plea in law

- Infringement of Article 8 of Council Regulation (EC) No 207/2009.

Action brought on 6 July 2022 — Colombani v EEAS

(Case T-414/22)

(2022/C 318/60)

Language of the case: French

Parties

Applicant: Jean-Marc Colombani (Auderghem, Belgium) (represented by: N. de Montigny, lawyer)

Defendant: European External Action Service (EEAS)

Form of order sought

The applicant claims that the Court should

- annul the decision of 13 October 2021 of the Director for Human Resources providing the applicant with a series of censored CVs that were misrepresented as corresponding to the commitment undertaken by the EEAS as part of the agreement of 9 February 2021;
- annul the agreement made on 9 February 2021 in Case T-507/20 for lack of consent and failure by the EEAS to observe its terms;
- annul, in so far as is necessary, the decision of 29 March 2022 of the Director-General of Resources Management of the EEAS rejecting complaint R/618/21 of the applicant made against the non-performance of one of the essential terms of the agreement made on 9 February 2021 in Case T-507/20 which provided that the EEAS was to provide the applicant with 'the elements linked to the qualifications and professional experience of the candidates regarded by the pre-selection panel as best corresponding to the pre-selection criteria for a set of procedures specified by the agreement';
- order the defendant to pay the costs.

Pleas in law and main arguments

In support of the action against the decision concerning the request for access to documents, the applicant relies on four pleas in law.

1. First plea in law, alleging an error of law in the interpretation of the concept of personal data and in the interpretation of Regulations 2018/1725 ⁽¹⁾ and 1049/2001, ⁽²⁾ misuse of powers and an interpretation of Article 6 of Annex III to the Staff Regulations of Officials of the European Union ('the Staff Regulations') which is incompatible with the provisions of those regulations.
2. Second plea in law, alleging non-compliance with Article 52 of the Charter of Fundamental Rights of the European Union, infringement of Article 45 of Regulation 2018/1725 in that the limitation on the access to information infringes the principles of sound administration, right to a fair trial, equality of arms, right to an effective remedy and prevents any judicial review of the acts at issue.

3. Third plea in law, alleging rejection of the argument of the EEAS which is limited to referring to the withdrawal without responding to the substance of the complaint made and failure to provide reasons for the rejection of the complaint concerning the illegality of the restriction of the right to access effected.
4. Fourth plea in law, alleging maladministration and infringement of the Staff Regulations owing to the bias and conflict of interest of the authors of the contested decisions.

In support of the action for annulment of the amicable agreement and the withdrawal in the Case T-507/20, the applicant relies on two pleas in law.

1. First plea in law, put forward principally, based on the fraudulence and invalidity of the agreement in Case T-507/20.
2. Second plea in law, put forward in the alternative, based on the EEAS's failure to comply with the agreement and wrongful invocation of *res judicata*.

(¹) Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ 2018 L 295, p. 39).

(²) 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).

Action brought on 6 July 2022 — Intel Corporation v Commission

(Case T-417/22)

(2022/C 318/61)

Language of the case: English

Parties

Applicant: Intel Corporation Inc. (Wilmington, Delaware, United States) (represented by: D. Beard, J. Williams, Barristers-at-Law, B. Meyring, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- a. order the Commission to pay compensation of EUR 593 177 661,75, corresponding to: default interest on the principal amount of EUR 1 060 000 000 at the ECB refinancing rate on the first calendar day of the month in which the Commission Decision C(2009) 3726 final of 13 May 2009 in Case COMP/C-3/37.990 Intel (the 'Decision') was adopted (namely 1,25 %) increased by 3,5 percentage points (or failing that at an interest rate deemed appropriate by the Court), for the period from 13 August 2009 (the date of provisional payment of the fine by Intel) to 25 February 2022 (the date of repayment of the principal amount of the fine by the European Commission), minus the interest amount already paid to Intel by the Commission of EUR 38 059 598,52;
- b. order the Commission to pay interest on the amount requested at paragraph (a) above for the period from 25 February 2022 (the date of repayment of the principal amount of the fine by the Commission), or alternatively from 28 April 2022 (the date of Intel's First Interest Application), or from 6 July 2022 (the date of the present action) or, in the further alternative, from the date of judgment in the present action, up to the date on which the Commission actually pays the amount in pursuance of a judgment upholding the present action, at the interest rate applied by the ECB to refinancing operations increased by 3,5 percentage points or, failing that, at an interest rate deemed appropriate by the Court;