

2. Second plea in law, alleging lack of a legal basis and misapplication of Article 75 of the Implementing Measures for the Statute for Members.
3. Third plea in law, alleging a manifest infringement of the principle of legal certainty, of the principle of the protection of legitimate expectations and acquired rights and the consequent breach of Article 1 of Additional Protocol No 1 to the European Convention on Human Rights.

Action brought on 23 December 2022 — Pettinari v Parliament

(Case T-811/22)

(2023/C 94/51)

Language of the case: Italian

Parties

Applicant: Luciano Pettinari (Rome, Italy) (represented by: M. Merola, lawyer)

Defendant: European Parliament

Form of order sought

The applicant claims that the Court should:

- declare non-existent or annul in its entirety the measure of which the applicant was informed by means of the Communication adopted by the Head of the Members' Salaries and Social Entitlements Unit, Directorate for Members' Financial and Social Entitlements, Directorate-General for Finance of the European Parliament, concerning the recalculation of retirement pension rights notified by registered letter (Ref No. D311127), received on 13 October 2022, by which the European Parliament recalculated the applicant's retirement pension rights and ordered the recovery of the amount paid on the basis of the previous pension calculation;
- order the European Parliament to repay all the sums unduly withheld plus statutory interest from the date of retention until payment and order the European Parliament to comply with the judgment to be given and to undertake all necessary steps, acts or measures to ensure that the initial amount of the pension is restored immediately and in full;
- order the European Parliament to pay the costs of the proceedings.

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 lack of competence of the author of the act adversely affecting a member of staff, infringement of essential procedural requirements on the ground that the statement of reasons was inadequate and consequent infringement of Article 41(2) of the Charter of Fundamental Rights of the European Union.
2. Second plea in law, alleging lack of a legal basis and misapplication of Article 75 of the Implementing Measures for the Statute for Members.
3. Third plea in law, alleging a manifest infringement of the principle of legal certainty, of the principle of the protection of legitimate expectations and acquired rights and the consequent breach of Article 1 of Additional Protocol No 1 to the European Convention on Human Rights.

Action brought on 23 December 2022 — Viola v Parliament

(Case T-812/22)

(2023/C 94/52)

Language of the case: Italian

Parties

Applicant: Vincenzo Viola (Palermo, Italy) (represented by: M. Merola, lawyer)

Defendant: European Parliament

Form of order sought

The applicant claims that the Court should:

- declare non-existent or annul in its entirety the measure of which the applicant was informed by means of the Communication adopted by the Head of the Members' Salaries and Social Entitlements Unit, Directorate for Members' Financial and Social Entitlements, Directorate-General for Finance of the European Parliament, concerning the recalculation of retirement pension rights notified by registered letter (Ref No. D311141), received on 13 October 2022, by which the European Parliament recalculated the applicant's retirement pension rights and ordered the recovery of the amount paid on the basis of the previous pension calculation;
- order the European Parliament to repay all the sums unduly withheld plus statutory interest from the date of retention until payment and order the European Parliament to comply with the judgment to be given and to undertake all necessary steps, acts or measures to ensure that the initial amount of the pension is restored immediately and in full;
- order the European Parliament to pay the costs of the proceedings.

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 lack of competence of the author of the act adversely affecting a member of staff, infringement of essential procedural requirements on the ground that the statement of reasons was inadequate and consequent infringement of Article 41(2) of the Charter of Fundamental Rights of the European Union.
2. Second plea in law, alleging lack of a legal basis and misapplication of Article 75 of the Implementing Measures for the Statute for Members.
3. Third plea in law, alleging a manifest infringement of the principle of legal certainty, of the principle of the protection of legitimate expectations and acquired rights and the consequent breach of Article 1 of Additional Protocol No 1 to the European Convention on Human Rights.

Action brought on 23 December 2022 — Sbarbati v Parliament

(Case T-813/22)

(2023/C 94/53)

Language of the case: Italian

Parties

Applicant: Luciana Sbarbati (Chiaravalle, Italy) (represented by: M. Merola, lawyer)

Defendant: European Parliament

Form of order sought

The applicant claims that the Court should:

- declare non-existent or annul in its entirety the measure of which the applicant was informed by means of the Communication adopted by the Head of the Members' Salaries and Social Entitlements Unit, Directorate for Members' Financial and Social Entitlements, Directorate-General for Finance of the European Parliament, concerning the recalculation of retirement pension rights notified by registered letter (Ref No. D311146), received on 13 October 2022, by which the European Parliament recalculated the applicant's retirement pension rights and ordered the recovery of the amount paid on the basis of the previous pension calculation;