

2. Second plea, alleging infringement of fundamental and general principles of EU law including, inter alia, the principle of effective exercise of the rights of the defence, the principle of non-discrimination, the principle of confidentiality, the principle of proportionality and the principle of sound administration.
3. Third plea, alleging infringement of the principle which requires the authority to hand down decisions only on the basis of legally admissible grounds, by which is meant grounds which are relevant and not vitiated by manifest errors of assessment, fact or law, or by ultra vires and improper exercise of authority.
4. Fourth plea, alleging breach of the duty of care and damage to the applicant's dignity and reputation.
5. Fifth plea, alleging infringement of, inter alia, Articles 4, 5, 14, 16(2)(b) and (e), 16(3), 17(1)(e) and (g), 18 and 19 of Regulation (EU) No 2018/1725 ⁽¹⁾ 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.

⁽¹⁾ Confidential data omitted.

⁽²⁾ OJ 2013 L 248, p. 1.

⁽³⁾ OJ 2018 L 295, p. 39.

Action brought on 9 January 2023 — UA v EUAA

(Case T-3/23)

(2023/C 63/84)

Language of the case: French

Parties

Applicant: UA (represented by: É. Boigelot, lawyer)

Defendant: European Union Agency for Asylum (EUAA)

Form of order sought

The applicant claims that the Court should:

- declare the action admissible and well founded and consequently;
- annul Decision No 99, reference [confidential], ⁽¹⁾ taken by the EUAA Management Board on [confidential], notified by e-mail on [confidential] by the Secretariat of the Management Board, and in so far as necessary, all preparatory and/or implementing acts and decisions, by which the Management Board decides, inter alia, that '[confidential]' is ordered to make good [the damage suffered by] the Agency due to serious personal misconduct liable to entail his personal financial liability, in accordance with Article 22 of the [Staff Regulations of Officials of the European Union]. The implementing measure and modalities for compensation will be communicated separately to [confidential]';
- order the defendant to pay provisional compensation of EUR 25 000 for both material and non-material damage, subject to modification during the proceedings;
- 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 infringement of Article 22 of the Staff Regulations of Officials of the European Union ('the Staff Regulations'), applicable by analogy to temporary staff in accordance with Article 11 of the Conditions of Employment of Other Servants of the European Union, infringement of the Guidelines for applying Article 22 of the Staff Regulations (Financial liability of officials), and in particular Articles 2.1, 2.3.2 and 3.2 thereof, infringement of the rights of defence, in particular Articles 3, 4 and 22 of Annex IX to the Staff Regulations (right to be heard) made applicable by Article 22 of the Staff Regulations, infringement of Articles 41(1) and (2)(a), 48 and 51(1) of the Charter of Fundamental Rights of the European Union.
2. Second plea in law, alleging manifest errors of assessment, lack of materiality of the facts complained of, inadequate statement of reasons, breach of the principle of *non bis in idem*, breach of the duty to have regard for the welfare of officials, breach of the principle of legal certainty and sound administration and of the principle of proportionality, breach of the principle of a single administration and of equal treatment, breach of the principle of the authenticity of documents and misuse of powers.

(¹) Confidential information redacted.

Action brought on 10 January 2023 — Illumina v Commission

(Case T-5/23)

(2023/C 63/85)

Language of the case: English

Parties

Applicant: Illumina, Inc. (Wilmington, Delaware, United States) (represented by: D. Beard, Barrister-at-Law, and F. González Díaz, M. Siragusa and T. Spolidoro, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the Commission's decision of 28 October 2022 in Case M.10938 — Illumina/GRAIL (the Decision);
- order the Commission to pay the applicant's legal costs and other fees and expenses incurred in connection with this application.

Pleas in law and main arguments

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

1. First plea in law, alleging that the Decision erred in law, and committed errors of fact and assessment, in finding that the conditions for adopting interim measures ex Article 8(5)(c) of Council Regulation No 139/2004 on the control of concentrations between undertakings (¹) (the Merger Regulation) were met.
2. Second plea in law, alleging that the Decision is disproportionate, commits errors of facts and assessment, fails to provide sufficient reasons, and/or is vitiated by lack of motivation, in finding that the interim measures were necessary and appropriate to the objectives of Article 8(5)(c) of the Merger Regulation).
3. Third plea in law, alleging that the Decision's provisions on funding are disproportionate as they unduly restrict Illumina's ability to review the proportionality of funding requests.